

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Reissue Application of.	§	
BILL L DAVIS and JESSE S WILLIAMSON	§	
	§	
For Reissue of U S Patent 5,630,363	§	Group Art Unit: 2854
Issued May 20, 1997	§	
Serial No 08/515,097	§	
	§	
Filing Date May 20, 1999	§	Examiner: S. Funk
	§	J Hilten
	§	
Serial No 09/315,796	§	
	§	
For	§	
COMBINED LITHOGRAPHIC/	§	
FLEXOGRAPHIC PRINTING	§	
APPARATUS AND PROCESS	§	

SUPPLEMENTAL DECLARATION OF STEVEN BAKER

TO: The Honorable Commissioner of
Patents and Trademarks
Washington, D.C 20231

SIR:

I, Steven Baker, declare under the penalties of perjury the following.

1. I am the same Steven Baker who executed a declaration in the above-captioned proceeding on November 3, 1999. I reaffirm the statements made therein, as clarified in my August 9, 2000 deposition, and with the following clarifications.

2. I have been shown travel receipts of Jesse Williamson, having production numbers W002705-2706, Exhibit "A" hereto. I note on document W002705 a reference to "Morton's Buckhead" restaurant for June 12, 1994. A calendar for June 1994, Exhibit "B" hereto, shows June 12th to be Sunday. I therefore met with Jesse Williamson and Bill Davis in Atlanta, Georgia on Sunday, June 12, 1994. As indicated in paragraph 4 of my prior declaration, the meeting was indeed on a Sunday. The rest of the Atlanta events I testified to in paragraphs 4-7 and the first sentence of paragraph 8 are accurate.

3. The calendar and the receipt further refresh my recollection. I came back to Dallas several days later – either Tuesday the 14th or Wednesday the 15th, as I recall. The morning following my return, I met with John Bird in Bird's office. Jesse and Bill's desires presented quite an opportunity for PRI. I have a vivid recollection of this meeting, and I told

SUPPLEMENTAL DECLARATION OF STEVEN BAKER

Page 1

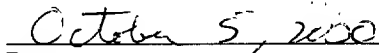
Bird what Jesse and Bill had told me in the Morton's restaurant, as stated in paragraphs 5-7 and the first sentence of paragraph 8 of my prior declaration

4. I also recall telling Howard DeMoore, immediately after telling Bird, that Jesse and Bill desired to go "up front" with a modified "rack-back" having an anilox roller and chambered doctor. The trip to Atlanta was a high profile event inside PRI, and telling Bird and DeMoore of what went on there occurred immediately upon my return. DeMoore needed to know – he ran the company. I believe I also told Steve Garner

The undersigned Declarant stated further that all statements made herein of Declarant's own knowledge are true, and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such statements may jeopardize the validity of the application of any reissue patent issuing thereon



Steven Baker



Date

DECLARATION OF STEVEN BAKER

6-12-94 → 6-18-94

MARRIOTT INTERSTATE N HTL
ATLANTA GA

00108282

5/28	6/08	S36W94K3	GOLDEN CORRAL
6/05	6/08	10Z8L185	CALL HOME AMERICA
6/07	6/12	N3CZ2BPQ	STONE MOUNTAIN
6/07	6/08		15 INWOOD

ATHENS TX
BINGHAM FARMS MI
STONE MOUNTAIN GA
DALLAS TX
TX

MARRIOTT INTERSTATE N HTL
ATLANTA GA

00108285

BUDGET RENT A CAR
EAST POINT GA

Reference
Number

Charges and
Other Debits

Payments
and Credits

0480099Z

00108282

ITEM 013 MORTONS/BUCKHEAD ATLANTA GA		Date of Charge 05/12/94	Reference Code 000094924	Approval Code 27
Service Establishment and Location MORTONS/BUCKHEAD ATLANTA GA				
Details of Charge FOOD AND BEVERAGE F&B				
S/F #		TOTAL CHARGE AMOUNT		

6/12

Exhibit "A"

WCC2705

06-14-94 MARRIOTT INTERSTATE N HTL
ATLANTA GA 00108265

TOTAL FOR CARD: 3855 530862 0037

Previous Balance	- Payments	- Credits	= Past Due Balance
Late Fees	+ New Charges	+ Other Debts	= Diners Club Balance Due

[illegible]

06/11/1990

Bill D.

W002704

CUSTOMER COPY

ESTABLISHMENT NAME

MORTON'S
ATLANTA, GA
410108781500000 01

DATE

JUN 12, 94

APPROVAL CODE

27

CUSTOMER NAME

JS WILLIAMSON
371381322136008
AMEX

96/11

TRANSACTION TYPE

SALE COMP. 0002

RECORD OF CHARGE

094924

TERMINAL

50012694

DESCRIPTION OF PURCHASES/SERVICES

FOOD AND BEVERAGE
BASE AMOUNT \$154.07

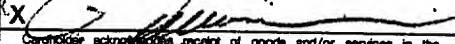
TIP AMOUNT

25.00

TOTAL

174.07

CUSTOMER SIGN HERE

X 
Cardholder acknowledges receipt of goods and/or services in the amount of the total shown herein and agrees to perform the obligations set forth in the Cardholder's agreement with the issuer.

0931506 01601

June 1994

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
30		1	2	3	4
					5
6	7	8	9	10	11
					12
13	14	15	16	17	18
					19
20	21	22	23	24	25
					26
27	28	29	30		

Month 6

6 months left

0315196-001604

Exhibit "B"

July 1994

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
				1	2	
					3	
4	5	6	7	8	9	
					10	
11	12	13	14	15	16	
					17	
18	19	20	21	22	23	
					24	
25	26	27	28	29	30	
					31	

Month 7

5 months left

TOGETHER WE CAN SAVE THE WORLD

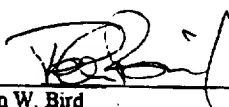
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3 I note from a calendar, Exhibit "B", that June 12, 1994 was a Sunday

4 The restaurant receipt and the calendar further refresh my recollection of the circumstances, including the date and place of the Atlanta meeting, that I testified about in paragraph 10 of my original declaration signed June 11, 1999. I recall Baker coming into my office upon his return to Dallas several days after the Sunday meeting, in which the disclosure made to him by Jesse and Bill was passed on to me, the substance of which is discussed in paragraph 10 of my original declaration. Baker, I recall, returned on the following Wednesday the 15th, possibly Tuesday the 14th. Baker came into my office - I recall it was in the morning - the day following his return, and was quite enthusiastic about an additional sales opportunity PRI had - interstation retractable coater equipment with an anilox roller in accordance with Davis-Williamson's suggestions

5 I recall telling Howard DeMoore about the successful Baker trip and the disclosure by Davis and Williamson to Baker of an "up front" retractable coater with an anilox roller immediately after the conversation with Baker. It is incomprehensible to me as PRI's Product Manager at that time that telling DeMoore - Chief Executive and owner of PRI - would not have occurred the very same day I was told by Baker of the Davis-Williamson concept of going "up front" with a flexographic station, and that one of the alternatives indicated by Davis-Williamson to Baker was performing their contemplated process with a modified "rack-back" having an anilox roller and chambered doctor. I recall a discussion with DeMoore about this in my office. Looking at the 1994 calendar, that would have occurred, to the best of my recollection, ~~either the morning of June 15th or June 16th~~ ^{the morning of June 15th}.

The undersigned Declarant stated further that all statements made herein of Declarant's own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.


John W. Bird

October 5, 2000
Date

FBI - MEMPHIS

6-12-94 → 6-18-94

06-14

MARRIOTT INTERSTATE N HTL
ATLANTA GA

00108262

5/28	6/08	536Q94K3	GOLDEN CORRAL	100
6/05	6/08	1028118S	CALL HOME AMERICA	
6/12	6/12	N3CZ2BPQ	STONE MOUNTAIN	
6/07	6/08		15 INWOOD	

ATHENS TX
BINGHAM FARMS MI
STONE MOUNTAIN GA
DALLAS, TX
DALLAS, TX

MARRIOTT INTERSTATE N HTL
ATLANTA GA

00108265

06-14

BUDGET RENT A CAR
EAST POINT GA

0460099Z

Reference
Number

Charges and
Other Debits

Payments
and Credits

00108265-051604

ITEM 013	
MORTONS/BUCKHEAD ATLANTA GA	
Cardmember Account No	Date of Charge 05/12/94
Reference Code 000094924	Approval Code 27
Service Establishment and Location MORTONS/BUCKHEAD ATLANTA GA	
Receipt of Charge	
FOOD AND BEVERAGE TIP	
6/112	
SIF #	TOTAL CHARGE AMOUNT

Exhibit "A"

WCC2705

06-14-94 MARRIOTT INTERSTATE N HTL 00108265
ATLANTA GA

TOTAL FOR CARD: 3855 530862 0037

Previous Balance	- Payments	- Credits	= Past Due Balance
Late Fees	+ New Charges	+ Other Debits	= Diners Club Balance Due

[illegible]

14/04/1990

Bill D.

1002704

CUSTOMER COPY

ESTABLISHMENT NAME

MORTON'S
ATLANTA, GA
410108781500000 01

DATE JUN 12, 94 APPROVAL CODE 27

CUSTOMER NAME
JS WILLIAMSON
371381322136008
AMEX 96/11

TRANSACTION TYPE SALE COMP. 0002

RECORD OF CHARGE #	TERMINAL #
094924	50012694

DESCRIPTION OF PURCHASES/SERVICES	
FOOD AND BEVERAGE	
BASE AMOUNT	\$154.07

TIP AMOUNT 25.00

TOTAL 174.67

CUSTOMER SIGN HERE

Cardholder acknowledges receipt of goods and/or services in the amount of the Total shown hereon and agrees to perform the obligations set forth in the Cardholder's agreement with the Issuer.

[illegible]

June 1994

Mon	Tues	Wed	Thurs	Fri	Sat
		1	2	3	4
					5
6	7	8	9	10	11
					12
13	14	15	16	17	18
					19
20	21	22	23	24	25
					26
27	28	29	30		

Month 6

6 months left

109750 96457660

Exhibit "B"

July 1994

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2
					3
4	5	6	7	8	9
					10
11	12	13	14	15	16
					17
18	19	20	21	22	23
					24
25	26	27	28	29	30
					31

Month 7

5 months left

TOGETHER WE CAN SAVE THE WORLD

TOGETHER, WE CAN

3

CORRIGENDUM
for Deposition of Steve Baker
Taken August 9, 2000


<i>PAGE</i>	<i>LINE</i>	<i>CHANGE/REASON</i>
8	23	After ",", insert: "if it is new and inventive."
13	23	After ",", insert: "i.e., doing it."
27	10	After "equipment" add: "on 'rack backs' with anilox rollers had been offered since the late '70s through my own personal observation."
43	23	After "WIMS", insert II
44	11	After "practiced", insert "-- really simulated .."
44	12	After "our", insert "prototype"
44	25	After "WIMS", insert "II"
45	4	After "WIMS", insert "II"
45	7	After "device", insert "i.e., prototype"
46	11	After "WIMS", insert "II"
48	5	After "WIMS", insert "II and WIMS I"
48	9	After "WIMS", insert "II"
49	18	After "sure", insert "in WIMS II"
51	15	Before "I first mentioned", insert "No. By the term 'WIMS' I used in declaration, I meant what you are now referring to 'WIMS' to mean the same thing as to what you are referring to WIMS-I."
59	3	After "WIMS", insert "I"
59	4	After "WIMS", insert "I"
59	7	After "WIMS", insert "I"
59	10	After "WIMS", insert "at the time"
59	11	After "2", insert "By 'WIMS' I meant what you refer to now as 'WIMS-I'"
60	22	After "process.", insert "this is what <u>you</u> now refer to as 'WIMS-I'"
60	24	After "A.", insert "The improvement, I understand would be"

PAGE	LINE	CHANGE/REASON
60	25	After "together", insert "this improvement is what you now refer to as 'WIMS-II'"
67	7	After "is", change E to A.
67	7	After "yeah", insert "we had a number of meetings in room A, in the fall of 1994. These meetings are in addition to the meeting that occurred in conference room E in paragraph 10 of my declaration."
67	12	After "I did.", insert "I met with those individuals recited in paragraph 10 in January 1995."
69	19	After "no", insert "I stand on my declaration testimony."
71	21	After "pressman", insert "In paragraph 12, I was referring to the PRI employees with reference to the 'WIMS-II' invention by their trades in order to fairly describe what they brought to the table in terms of their technical backgrounds."
72	4	After "yes", insert "I believe he may have had something to do with his first patent, which will expire shortly. I do not believe he is a co-inventor of subsequent patents. My beliefs were shared widely throughout the company, particularly by those who actually invented the products."
73	11	After "surprise", insert "He was well known to put his name on anything invented in the company."
85	20	After "him.", insert "He wanted the truth."
87	8	After "WIMS", insert "II"
87	9	After "about.", insert "He spoke about the controversy between the parties pertaining to the improved process, first disclosed to me in Atlanta in 1994."
87	19	After "there", insert "the meeting in Atlanta mentioned in my declaration occurred in July or June 1994."
87	22	After "WIMS", insert "I"
88	8	After "know", insert "they represented to me in July 1994 that they had a patent application pending on what you now refer to as WIMS I."
88	25	After "No.", insert "Exhibit I to this deposition. '363 pertains to what you now describe as WIMS II."

PAGE	LINE	CHANGE/REASON
91	21	After "this.", insert "It is clear from Exhibit I that this was not on file in July 1994. The '363 patent pertains to 'WIMS II', not 'WIMS I'."
93	24	After "it.", insert "The meeting in Atlanta occurred in June or July 1994."
94	4	After "process", insert "I was talking in paragraph 12 of my declaration and the WIMS II invention disclosed to me in July 1994, and later became disclosed to the public as Exhibit I to my deposition."
116	25	After "but ---", insert "Exhibit 8, here to, has nothing to do with the WIMS II process."
121	13	After "yes", insert "The meeting in Atlanta occurred in June or July 1994."
122	13	After "true.", insert "The statements made in my declaration are true and correct. Jesse and Bill told me then about their 'WIMS I' process, although, at the time, they referred to it as 'WIMS'. I now understand that what they were talking about was the pending application later to become Exhibit 2 hereto. They also spoke about the 'WIMS II' improved process using flexography 'up front' later patented as Exhibit 1."
122	21	After "WIMS", insert "I"
123	4	After "WIMS, insert "II"
124	8	After "their", insert "WIMS II"
125	4	After "WIMS", insert "II"
125	6	After "WIMS", insert "II"
126	6	After "WIMS", insert "I"
126	14	After "Yes.", insert "Exhibit 11 shows that the WIMS I patent did not issue until later that year in December 1994."
136	12	After "the", insert "WIMS II"
137	3	After "yes", insert "See my testimony in paragraph 10 of my declaration, page 2. The testimony in paragraph 10 is correct."
137	11	After "July", insert "or June"
137	18	Change "'94" to "'95" "They intended to file a patent application when they told me in conference room E of January 1995, or thereabouts. In January of 1995 they were talking about WIMS II."
140	13	After "answer.", insert "The testimony in my declaration is correct."

PAGE	LINE	CHANGE/REASON
140	23	After "one", insert "This time on WIMS II."
141	6	After "numbers.", insert "How can they refer to '363 when they haven't filed yet?"
143	22	After "together", insert "WIMS II"
145	9	After "No.", insert "But I now recognize that '876 is WIMS I."
147	17	After "July", insert "or June"

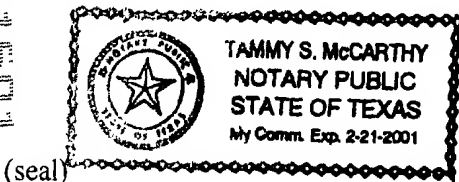
I, Steven S. Baker, have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted above.


Steven G. Baker

FILED - 94 SEP 20 2000

STATE OF TEXAS)
)
COUNTY OF DALLAS)

Subscribed and sworn to before me by the said witness, Steven G. Baker, this 21st day of September, 2000, by




Notary Public, the State of Texas

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

PRINTING RESEARCH, INC.
and HOWARD W. DEMOORE

VS

CIVIL ACTION NO.
3-99CV1154-M

WILLIAMSON PRINTING CORP.,
BILL L. DAVIS and
JESSE S. WILLIAMSON

ORAL DEPOSITION

OF

STEVEN BAKER

August 9, 2000

ANSWERS AND DEPOSITION OF STEVEN BAKER,
produced as a witness at the instance of the Plaintiffs,
being duly sworn, was taken in the above-styled and
numbered cause on the 9th day of August, 2000, from
9:35 a.m. to 4:10 p.m., before Sharon Gayle, a Certified
Shorthand Reporter in and for the State of Texas, via
machine shorthand, at the offices of Locke Liddell &
Sapp, located at 2200 Ross Avenue, Suite 2200, in the
City of Dallas, County of Dallas, State of Texas.

COPY

A P P E A R A N C E S

MR. WILLIAM D. HARRIS
MR. STEPHEN WILSON
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Dallas, Texas 75201-6776

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Dallas, Texas 75201

APPEARING FOR THE PLAINTIFFS

MR. JOHN P. PINKERTON
Worsham, Forsythe, Wooldridge, L.L.P.
1601 Bryan Street
Energy Plaza, 30th Floor
Dallas, Texas 75201

APPEARING FOR THE DEFENDANTS

MR. ROBERT HARDY FALK
Falk & Fish, L.L.P.
6704 Regalbluff Drive
Dallas, Texas 75248

APPEARING FOR THE DEFENDANTS

Also Present: Mr. Howard DeMoore
Mr. Dave Douglas
Mr. Ron Rendleman
Mr. Bill Davis

I N D E X

WITNESS: STEVEN BAKER

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E X H I B I T S

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1	NUMBER	DESCRIPTION	PAGE
2			
3	6	December 16, 1994 Letter	101
4	7	December 16, 1994 Memorandum	105
5	8	January 25, 1995 Letter	107
6	9	February 16, 1995 Letter	114
7	10	Defendants' Responses to	
8		Plaintiffs' First Requests	134
9		for Admission	
10	11	United States Patent	144
11			
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P R O C E E D I N G S

THE COURT REPORTER: Are there any agreements you-all would like to put on the record before we start?

MR. HARRIS: After you swear the witness, we'll decide whether we want any or not.

STEVEN BAKER,
having been first duly sworn, testified as follows:

MR. HARRIS: If you'll excuse me for just a minute, Mr. Baker, I'll check with Mr. Pinkerton to see if there's anything he wants to put on the record.

MR. PINKERTON: You want to talk about the agreement -- an agreement?

MR. HARRIS: Sure. Anything that you have in mind we'll talk about.

MR. PINKERTON: What would you like to do, Bill? It's your deposition. Whatever --

MR. HARRIS: As far as I'm concerned, just take it according to the Federal Rules. And as far as a signature is concerned, I'm generally accustomed to signing before any notary, but I'll do most anything.

In the case of a third-party witness, sometimes it's pretty hard to get ahold of them. I guess we've got an agreement that after whatever the reasonable period of time is set, that if signature

1 can't be procured, then it's usable -- the deposition --
2 as usual.

3 MR. PINKERTON: And I believe he can sign
4 before any notary.

5 MR. HARRIS: I believe he can now too.
6 You know, I go back a few years, and you couldn't.

7 MR. PINKERTON: Uh-huh.

8 MR. HARRIS: But I think that's right.

9 MR. PINKERTON: That's fine. We'll just
10 take it under the Federal Rules.

11 MR. HARRIS: If you have anything special,
12 I'll sure consider it.

13 MR. PINKERTON: That's fine with me,
14 Bill.

15 EXAMINATION

16 BY MR. HARRIS:

17 Q. Okay. Would you state your name for the
18 record, please, and while at it, give us your address
19 and your present employer.

20 A. Okay. Steven Glenn Baker. I reside at
21 207 Craig Drive; and that's in Heath, H-e-a-t-h, Texas
22 75032. And I am currently employed by Epic Products
23 International.

24 Q. That's in what city?

25 A. Epic Products is in Arlington, Texas.

1 Q. And your --

2 A. And I live in Heath, Texas.

3 Q. Heath, Texas?

4 A. Which is in Rockwall County.

5 Q. Okay. Out on the lake there?

6 A. Yes.

7 Q. That sounds nice.

8 A. Next door to the yacht club.

9 Q. Fisherman?

10 THE WITNESS: You don't have to put that
11 on there.

12 A. No. Sailboat racer.

13 MR. HARRIS: No. We'll put it on the
14 record.

15 Q. (By Mr. Harris) Sailboater, huh?

16 MR. PINKERTON: Bill -- I need to know, is
17 it Steven or S-t-e-p-h-e-n?

18 THE WITNESS: No. It's e-v-e-n.

19 MR. PINKERTON: E-v-e-n?

20 THE WITNESS: Right.

21 MR. HARRIS: I thought he was a Stephen.

22 THE WITNESS: No. My mother didn't want a
23 Stephen, she said.

24 Q. (By Mr. Harris) Well, let me ask you as far as
25 your background is concerned, how much patent law have

1 you studied?

2 A. I have studied no patent law formally.

3 Q. Haven't you even had a one-hour course in it?

4 A. In patent law?

5 Q. Uh-huh.

6 A. A course in business law. I've never had a
7 course in patent law.

8 Q. I see. Did Mr. Falk and/or Mr. Pinkerton give
9 you a course in patent law?

10 A. A full course in patent law? No.

11 Q. Did they give you part of a course in patent
12 law?

13 MR. PINKERTON: Object to form.

14 Go ahead. You can --

15 THE WITNESS: Go ahead and answer that?

16 MR. PINKERTON: Yeah.

17 A. They haven't given me part of a course in
18 patent law. They have told me what the law says.

19 Q. (By Mr. Harris) And would you tell me what
20 that is?

21 MR. PINKERTON: Object to form.

22 A. That you can only patent a process if you use
23 that process, that --

24 Q. (By Mr. Harris) If you what?

25 A. You can patent a process if you use that

1 process in your normal course of business. I mean, I
2 don't know what else. That's the one that stands out.

3 Q. That's all that stands out right now?

4 A. That's all that stands out right now. I know,
5 having worked for Howard DeMoore over the years on
6 different patents, you know, it might be some other
7 things that come up in the course of the patents that he
8 had filed on things that, you know, you pick up. But as
9 far as having a formal course in patent law, no.

10 Q. Was there any discussion about the concept of
11 conception of an invention?

12 MR. PINKERTON: Objection. Leading.

13 A. What invention are you talking about? Are you
14 talking about the --

15 Q. (By Mr. Harris) Of any invention.

16 A. Of any invention?

17 MR. PINKERTON: Objection. Relevancy.

18 A. There may have been, you know. At Printing
19 Research there were a lot of things always going on,
20 so -- and all of us out in the field came in with ideas
21 for things that might work or might not. I mean, that's
22 what your business is. You try to build stuff to sell.

23 MR. HARRIS: Mr. Pinkerton, I agree with
24 you that the form of the question, I guess you do need
25 to object to, to preserve your rights under the law. If

1 it's our intention to do that regularly on nearly all
2 questions as we go forward with all third-party
3 witnesses, we're going to have a lot of problems. I
4 just state that to you.

5 MR. PINKERTON: Well, we either -- if
6 we're going to take it by the Rules, we're going to have
7 to make objections as we go.

8 MR. HARRIS: Only to the form of the
9 question.

10 MR. PINKERTON: So it's your understanding
11 that any other objections other than form are
12 preserved?

13 MR. HARRIS: Absolutely.

14 MR. PINKERTON: Okay.

15 MR. HARRIS: Mr. Sweeney, do you agree?

16 MR. SWEENEY: Yeah. You're protected
17 under the Rule, but that is our position.

18 MR. PINKERTON: That's fine. Just so we
19 understand.

20 MR. HARRIS: Yeah.

21 MR. PINKERTON: And I'll make objections
22 as to form. And if other objections are reserved, then
23 we will not need --

24 MR. HARRIS: Right.

25 MR. PINKERTON: -- to make those unless

1 some special circumstance --

2 MR. HARRIS: They are. And it doesn't
3 hurt to -- even if we're right and the law says that, it
4 doesn't hurt for us to double up on it and have that
5 understanding with each other.

6 MR. PINKERTON: That's fine.

7 MR. HARRIS: Okay. I have forgotten where
8 I was, ma'am, naturally. Would you key me?

9 (Discussion off the record)

10 (Requested text read back)

11 Q. (By Mr. Harris) I guess it stands on the basis
12 of, do you know anything about the concept of conception
13 of an invention?

14 A. I think so.

15 Q. Tell me what you know.

16 A. Concept of conception of an invention?

17 Q. Uh-huh.

18 A. If I see -- I can only put it in my own words
19 how I would understand that.

20 Q. I don't want you to put it in Pinkerton's
21 words.

22 A. Well, if I'm with a customer and I see they're
23 doing something, and I'm looking at what they're doing,
24 and I think, you know, if we did this, this, and this --
25 whatever it is -- we could make this go smoother but

1 we're going to have to build something to do this, then
2 that would be the concept. Because when you think of
3 that device, you've conceived of something to make that
4 work.

5 I mean, that could be as simple as
6 something in your backyard, gardening or something. I
7 mean, it doesn't necessarily pertain to printing. It
8 could be anything. And I guess that's what you're -- I
9 mean, conception?

10 Q. Yeah.

11 A. Yeah. I understand conception. To the letter
12 of the law? God knows, but --

13 Q. You don't necessarily believe, then, that
14 that's the legal definition --

15 A. No.

16 Q. -- but it's what it means to you?

17 A. Exactly.

18 Q. What if you haven't thought of all of it yet?

19 MR. PINKERTON: Objection. Foundation,
20 form.

21 Q. (By Mr. Harris) I'm referring to conception.
22 I'll withdraw the other question. I'm referring to
23 conception now. And you've thought of something, and
24 you thought of what you wanted to do, and you've thought
25 of some of the major things you need to do; but you

1 haven't, in your mind's eye, got it all put together.
2 Is that a conception?

3 A. It's still a conception.

4 MR. PINKERTON: Wait a minute. I'm
5 sorry. I need to object to the question. Just give me
6 time to object.

7 Object to the form of the question. Vague
8 and ambiguous.

9 Q. (By Mr. Harris) Letting his objection stand,
10 let me be sure that I understand you. You say, well, it
11 would still be a conception; is that right?

12 A. Obviously. You've already conceived it.

13 Q. Just because you haven't thought of all of it
14 yet doesn't mean you haven't conceived it?

15 A. There would never be improvement in a
16 product -- if you conceived all of it at the beginning,
17 then everything coming out would be perfect. That's the
18 way I conceive of it. We would never have new and
19 improved.

20 Q. What, if anything, have you heard about the
21 concept of reduction to practice as to an invention?

22 A. When you say "reduction to practice," you mean
23 actually taking the concept and making it work?

24 Q. I'm asking you. Don't you ask me.

25 A. Okay. Well --

1 MR. SWEENEY: Bill doesn't --

2 A. -- I've never heard it put that way. I'll put
3 it that way, if that's what I think the definition is.

4 Q. (By Mr. Harris) If you don't understand it,
5 tell me you don't understand the question --

6 A. I don't understand what you mean.

7 Q. -- and I'll repeat it.

8 A. Exactly. Okay.

9 Q. My question simply is: What is it you know, if
10 anything, about the legal concept of reducing an
11 invention to practice?

12 A. I don't know the technical legal definition of
13 reducing a concept to practice. I assume a few things,
14 naturally, just because life experience, if nothing
15 else. But as far as the legal definition of reducing
16 conception to practice, I can't tell you what that is.

17 Q. Okay. As far as your own personal knowledge
18 and belief and vocabulary is concerned, what does it
19 mean?

20 A. I think it would have to mean that you have
21 something that works and that will produce whatever it
22 is you want to produce. And it has to be -- it has to
23 be a working model. It has to work.

24 Q. Is it fair to say that you have never heard of
25 the concept -- I'll put it differently so it's not so

1 leading.

2 Are you familiar with the concept
3 constructive reduction to practice?

4 A. No. It sounds like the same thing to me as --
5 I mean --

6 Q. Okay. That's kind of either you know or you
7 don't know.

8 A. I mean, it sounds the same. What's the
9 difference? I'm asking you. What's the difference?

10 Q. Have you been told about the effect of filing a
11 patent application insofar as the relation of the making
12 of an invention is concerned; that is, whether that
13 patent application has anything to do with conception or
14 reduction to practice?

15 A. Specifically in that vein, I don't want to say
16 no because, I mean, I think I understand what you're
17 asking. I mean, common knowledge -- my common knowledge
18 is that people file patents every day on things that
19 they find out later are already patented because they
20 didn't do due diligence or whatever.

21 So, you know, I don't know what the
22 process is. If you have something that doesn't work and
23 you file a patent on it and it doesn't work, you know, I
24 don't know what would happen. I don't know. I don't
25 know if that's what you're asking or what.

1 MR. HARRIS: Mark this. I believe that,
2 for my marking, if it's okay with you, the way I will do
3 them is to make it -- in this case it would be Baker's
4 Exhibit 1.

5 MR. PINKERTON: Okay.

6 MR. HARRIS: And then when we get to
7 Brown, it will be Brown Exhibit 1 and so on.

8 MR. PINKERTON: All right.

9 MR. HARRIS: Whatever scheme you follow,
10 as long as you tell me what it is, I'll go along with
11 it.

12 MR. PINKERTON: That's a deal.

13 (Exhibit 1 marked)

14 Q. (By Mr. Harris) Would you look at what's been
15 marked as Exhibit 1.

16 A. This?

17 Q. Uh-huh. You get the one with the sticker.

18 A. Okay. I'm looking.

19 Q. Have you ever seen it before, or a duplicate of
20 it?

21 A. I've never seen this document before. I
22 recognize what's in the document as a coater, and
23 obviously it's an anilox roll coater. And there's a
24 press diagram. But, I mean, as far as this document,
25 U.S. Patent, I've never seen a patent on this document

1 before. No.

2 Q. I will represent to you that in this litigation
3 there is controversy about inventorship and that that
4 controversy relates, at least in part, to the subject
5 matter of that patent. Based on that relation, are you
6 familiar with the thing that's illustrated in the
7 patent?

8 A. Yes.

9 Q. And do you know whether it's -- can you tell me
10 whether it's a method or a thing --

11 MR. PINKERTON: I'm going to object --

12 Q. (By Mr. Harris) -- an article?

13 MR. PINKERTON: Object to the form. And
14 since he's never seen that patent document before, Bill,
15 I'm going to object to any questions about the patent.
16 I think it's unfair to him, and there's certainly no
17 qualification on his part and no foundation for any
18 questions about the patent.

19 MR. HARRIS: Well, you make your record
20 and I'll make mine.

21 Q. (By Mr. Harris) Same question.

22 MR. PINKERTON: Object to form.
23 Foundation.

24 A. It's -- you asked me if I recognized what it
25 was? I'm sorry.

1 Q. (By Mr. Harris) Yes. From looking.

2 A. From looking at it, it's a coater. Okay. It's
3 obviously an anilox roll coater -- it could be -- well,
4 it would have to be because of where it's going on the
5 machine.

6 Q. Is that what has been referred to as a
7 Rendleman Coater?

8 A. At Printing Research it was referred to as a
9 Rendleman Coater, because this particular machine, Ron
10 Rendleman was building it. Prior to that we had a
11 similar machine called an EZ Coater, which was also an
12 anilox roll coater. And there were probably half a
13 dozen companies that build anilox roll coaters.

14 Q. But were there a half a dozen companies that
15 built Rendleman Coaters?

16 A. Only Ron Rendleman could build a Rendleman
17 Coater. If Steve Baker built it, it would be a Baker
18 Coater. So that was -- and I don't know what Printing
19 Research wound up calling it, but that's --
20 internally -- at least that's what I called it and a lot
21 of other people. We called it the Rendleman Coater
22 because Ron was building the machine.

23 Q. For what purpose?

24 MR. PINKERTON: Objection. Form.

25 A. The one I'm familiar with was the one he was

1 building for Williamson Printing.

2 Q. (By Mr. Harris) Was that -- when you say for
3 Williamson Printing -- for some kind of an installation
4 at Williamson Printing?

5 A. Yes.

6 Q. Explain.

7 A. We were going to install this on a press at
8 Williamson Printing. Williamson Printing had asked us
9 to build them a machine to lay down flexo or -- either
10 coating or flexo inks. Basically they're the same. And
11 you had to have a machine that would fit onto the press,
12 that would fit in there.

13 You could -- as far as a coater goes, you
14 could go get one anywhere, but it has to be specifically
15 built to attach to that machine. And that was Ron
16 Rendleman's function. I mean, we were basically taking
17 an EZ Coater and putting it, instead of at the end of
18 the press, putting it on the printing unit within the
19 press somewhere.

20 Q. And that was all that was done to it, huh?

21 A. Yeah.

22 Q. It's not articulated, huh?

23 A. When I say attach it to the press so that it
24 will work on this press, the articulation and all that
25 was a feature, you know, if you will. Rather than being

1 bolted in place full-time or mechanically removed, it
2 was eventually engineered so that it would automatically
3 swing up and down.

4 The original one was manual, but you do
5 have to be able to get into a printing press. And you
6 do have to have things that you can remove. You can't
7 leave them in there. Otherwise, you'd never get any
8 production out of the machine. The thing would be in
9 the way.

10 Q. Does it have a particular type of movement that
11 you're aware of?

12 MR. PINKERTON: Objection. Form.

13 A. You mean -- what do you mean by that? I'm
14 assuming you mean it swings out of the way?

15 Q. (By Mr. Harris) Yeah.

16 A. It swings away, and that movement could be
17 articulated. I mean, you could call it whatever you --
18 I like to say it swings out of your way, but -- or
19 swings up, but I guess that would be articulating.

20 Q. I was thinking of Fair Park, the fair time and
21 all that sort of thing.

22 A. Ferris wheel --

23 Q. Ferris wheel, right.

24 A. -- type thing? Yeah.

25 Q. Ferris wheel movement was what it was called,

1 was it not? Had you ever -- excuse me.

2 A. I don't remember that.

3 Q. That is what it was often called, wasn't it?

4 MR. PINKERTON: Objection. Leading.

5 A. I don't remember it being called a Ferris
6 wheel, no.

7 Q. (By Mr. Harris) That was objected to as
8 leading. It's fair to say that you have taken an
9 affidavit that was asserted in the patent office to
10 further the prosecution of a patent on behalf of the
11 Defendant in this action, isn't it?

12 MR. PINKERTON: Objection. Leading and
13 lack of knowledge and foundation.

14 Q. (By Mr. Harris) That's true, isn't it?

15 A. I did give a statement, yes -- not necessarily
16 just pertaining to this, though.

17 Q. Is this gentleman your lawyer?

18 A. No.

19 Q. You don't have a lawyer here?

20 A. No, I do not.

21 MR. PINKERTON: As a matter of fact, Bill,
22 we can go on the record -- if I can take him just on
23 voir dire on two questions --

24 MR. HARRIS: I'll always let you take a
25 man on voir dire.

1 VOIR DIRE EXAMINATION

2 BY MR. PINKERTON:

3 Q. Mr. Baker, I've never met you prior to today,
4 have I?

5 A. No.

6 Q. Prior to today, have I ever spoken with you?

7 A. No.

8 MR. PINKERTON: Okay.

9 CONTINUED EXAMINATION

10 BY MR. HARRIS:

11 Q. Prior to today, have you ever met Mr. Bobby
12 Falk?

13 A. Yes.

14 Q. What length of time did you spend with
15 Mr. Falk?16 A. I probably spent, since this thing started, off
17 and on, phone conversations and everything, probably
18 four hours with Bobby Falk.19 Q. Did you get remunerated in any way for spending
20 all that time with a lawyer?

21 A. Absolutely nothing.

22 Q. Absolutely nothing?

23 A. Absolutely nothing.

24 Q. Not even a smile?

25 A. I got a smile, I think. Just like today,

1 absolutely nothing for being in here.

2 Q. How did Mr. Falk have the pleasure of meeting
3 you?

4 A. I think in conversations I had had with Bill
5 Davis.

6 Q. You were talking to Davis?

7 A. I've talked to Bill Davis, yes.

8 Q. And Davis was talking to you?

9 A. That's right. We talked about a lot of
10 different things.

11 Q. And Davis told you about the situation in the
12 patent office in a general sense?

13 A. Uh-huh.

14 Q. Did he tell you there was litigation on?

15 A. He told me that there was a lawsuit and did I
16 have any recollection of what went on since I originally
17 sold everything. I was the rep from Printing Research
18 to Williamson, so I was pretty much the reason all this
19 was happening, and did I remember anything.

20 Q. You were the what?

21 A. I was the reason that a lot -- in other words,
22 I'm the person that went in there and sold them, so --

23 Q. I thought you used another word and I didn't
24 hear it.

25 A. Oh, no, no. That's --

1 Q. I can get it from the reporter.

2 A. I was the reason that most of this happened.
3 So, I guess initially, I initiated the --

4 MR. HARRIS: Could you back up a little
5 bit?

6 (Requested text read back)

7 Q. (By Mr. Harris) Went in there and sold them or
8 told them? Which was it?

9 A. I sold -- I sold -- I sold them dryers.
10 Through conversations with Bill Davis, I realized that
11 they were trying to -- they had a process they were
12 trying to achieve. We had three products -- two -- that
13 I thought possibly could be adapted to make the process
14 they told me about work on their machine.

15 Q. What were those three?

16 A. One was interstation hot air drying.

17 Q. Right.

18 A. And the other one was what, at the time, we
19 were calling the EZ Coater. And I remember going back
20 to Printing Research and asking my boss --

21 Q. Can I stop you a minute --

22 A. Yeah.

23 Q. -- only because you said three and you told me
24 two.

25 A. I said, well, actually two. The dryer at the

1 end of the press, that doesn't -- you don't really need
2 that to do this.

3 Q. The dryer?

4 A. I mean, yeah, you do. Well, there were two
5 different dryers involved, so it would be three -- three
6 products.

7 Q. Okay.

8 A. An infrared dryer at the end, an innerdeck
9 dryer or hot air system -- that's one and the same --
10 and then the coater.

11 Q. Well, what kind was it that you thought they
12 might need?

13 A. Well, they definitely need the innerdeck drying
14 to do this.

15 Q. Do you think that your efforts are related to
16 what I'm now going to read you? And I am reading from
17 Exhibit 1, and it is 43 -- Lines 43 through 46 on
18 Column 6.

19 However, applicant has modified the
20 station shown in Figure 2 by the addition of a
21 high-velocity air dryer 50 that is associated with the
22 impression cylinder 42 directly after the ink is
23 transferred from the blanket cylinder to the substrate
24 on the impression cylinder.

25 Do you think that -- do you think that

1 that is what you're talking about that you thought might
2 be able to help them, was a high-velocity air dryer such
3 as that?

4 A. Exactly.

5 MR. PINKERTON: Objection to form of the
6 question.

7 A. You have to be able to dry that ink if you're
8 going to --

9 Q. (By Mr. Harris) Looking again -- you say you
10 have to be able to dry that what? I'm sorry.

11 A. You have to be able to dry the ink to do the
12 process the way we were talking about doing it --

13 Q. Yeah.

14 A. -- the way Williamson and I had talked about
15 doing it.

16 Q. Did they seem glad to get that information?

17 A. Yes.

18 MR. PINKERTON: Objection. Form.

19 A. Because initially when we originally were
20 talking about this, I didn't -- early on in talks, I was
21 pitching products to them and actually pitched this
22 product to help with conventional ink. That's the way
23 we were selling, to help with drying conventional ink so
24 that you would get a better -- in layman's terms -- a
25 better printed product at the end of the press.

1 And I had already told Bill Davis and
2 Jesse Williamson about this. And so they already knew
3 about this prior to -- prior to talking about the
4 process that we're talking about.

5 Q. (By Mr. Harris) Well, did you suggest that
6 would be a good application?

7 A. I did when they talked to me about their WIMS
8 process.

9 Q. Do you consider this to be a WIMS process?

10 A. Not this. I see this as a piece of equipment.
11 I see this as an anilox roll coater. Like I said, lots
12 of people make anilox roll coaters.

13 Q. Well, was that something, then, that Ron
14 Rendleman did?

15 MR. PINKERTON: Objection. Form.

16 A. Ron Rendleman built the prototype coater that
17 you see here.

18 Q. (By Mr. Harris) That's nothing that, as far as
19 you know, came from Jesse Williamson or Bill Davis, is
20 it?

21 A. Not --

22 MR. PINKERTON: Objection. Form.

23 Q. (By Mr. Harris) Is it?

24 A. Not an anilox roll coater, no. It's also not
25 anything that Printing Research invented. As far as the

1 basic anilox roll coaters, they've been around for
2 years. I don't know how many years.

3 Q. How many Ferris wheel ones had you seen?

4 A. I had never -- I had never seen a Ferris wheel.

5 Q. You couldn't say that had been around for years
6 then, could you?

7 A. No.

8 Q. Except out at Fair Park?

9 A. Except at Fair Park, the type you ride on.

10 Q. Do you believe the following statement would be
11 true for this -- can I call it lithoflex system? Do you
12 know what I'm talking about?

13 A. I know what you're talking about if you call it
14 lithoflex.

15 Q. I'm talking about an in-line system that lays
16 flex and a flexographic layer and in a single pass goes
17 on through for lithographic overlay. Okay?

18 A. Okay. I understand what you're talking about.

19 Q. Is that what -- it's what it meant to you
20 anyway, wasn't it?

21 A. When you say "lithoflex," I know that that's
22 what you mean.

23 Q. Okay. Fine.

24 MR. PINKERTON: And I'm going to object to
25 the -- I'm going to object to the use of that term in as

1 much as that's somehow related to something having to do
2 with Printing Research. And certainly you won't
3 find --

4 MR. HARRIS: Can we not say the word?

5 MR. PINKERTON: Certainly you won't find
6 the word "lithoflex" in this patent that you're asking
7 him about.

8 MR. HARRIS: Can we not say the word "PRI"
9 or "Printing Research" here?

10 MR. PINKERTON: You can use any words you
11 want. You don't find the words "Printing Research" or
12 "lithoflex" in the document that you have in front of
13 you though.

14 MR. HARRIS: No, I don't find "Printing
15 Research," and I don't find "lithoflex." That's right.

16 MR. PINKERTON: So I'll object --

17 MR. HARRIS: All I find --

18 MR. PINKERTON: -- object to the questions
19 on that basis.

20 MR. HARRIS: All I find is a coater.

21 Q. (By Mr. Harris) Let me go back to Column 6
22 again of the patent. And this time I'm going up a
23 little higher on the reading, to 33 through where we
24 read before, 41.

25 As stated previously, the offset

1 lithographic machine of Figure 2 is converted as shown
2 therein to a coater that is used only in the last stage
3 of an in-line printing process. It has not been able to
4 be used in stages other than the last printing station
5 because the ink that is placed on the blanket cylinder
6 by means of an anilox roller is still wet when it
7 arrives at the subsequent stations, thus causing
8 smearing of the printed material and causing a general
9 impossibility of printing other information thereon.

10 Was that the kind of problem you hoped to
11 help on by the dryer?

12 MR. PINKERTON: Objection to form.
13 Leading. And object to any questions having to do with
14 the patent, based on lack of foundation and knowledge.

15 THE WITNESS: Now I answer?

16 MR. PINKERTON: Answer.

17 A. Okay. Yes. After talking to them about what
18 they were trying to achieve, I thought that the hot --
19 innerdeck hot air -- or interstation hot air would help
20 in that.

21 Q. (By Mr. Harris) Did you tell them --

22 A. At this time we didn't have a coater either for
23 them. I was --

24 Q. Did you tell them that?

25 A. Yes.

1 Q. What you just said?

2 A. Uh-huh.

3 Q. And I don't mean that it didn't have a coater
4 either. I mean that first --

5 A. Right, right.

6 Q. -- part you just said --

7 A. At this point we were -- I was still --

8 Q. -- about the dryer.

9 A. There were a lot of things going on. Yes.

10 Q. Well, isn't it a fact they had already made up
11 their minds, though, that they wanted a dryer from you?

12 A. They had made up their minds that they wanted a
13 dryer to go on the end of the press from me. Hey, I'm
14 in there trying to sell them as much as I can.

15 Q. So you thought about the interstation then?

16 A. I thought about the interstation before I said
17 anything to anybody, and anybody -- or anyone at
18 Printing Research as well. I'm not saying other people
19 didn't have the same ideas. It's just, as a
20 professional salesperson, I'm always looking for ways,
21 creative ways, to adapt products to a customer's needs.

22 MR. PINKERTON: Objection to
23 responsiveness on the last part of that response.

24 Q. (By Mr. Harris) Would you tell me where you're
25 from, sir? Where were you born?

1 A. Dallas, Texas. Native Texan.

2 Q. Well, you say you're over 21 in your affidavit,
3 and I believe it.

4 A. Thank you. I wish I were 21.

5 MR. PINKERTON: Me too.

6 Q. (By Mr. Harris) I think I wouldn't go through
7 it again for a million dollars.

8 MR. PINKERTON: Bill, you would do it. I
9 know you.

10 (Mr. Sweeney left deposition proceedings)

11 Q. (By Mr. Harris) Were you educated in Dallas?

12 A. I went to elementary, junior high, and high
13 school in Dallas. Yes.

14 Q. Back just a little bit. You know, you were
15 talking about making a suggestion. They were thinking
16 about the end, and you were thinking about interstation;
17 is that true?

18 MR. PINKERTON: Objection to form.
19 Leading.

20 A. I wouldn't say they were thinking about the
21 end. I think Jesse Williamson had already jumped way
22 ahead on that at that stage.

23 Q. (By Mr. Harris) I'm talking about for the
24 dryer.

25 MR. PINKERTON: Objection. Form.

1 Leading.

2 A. Initially they were buying new printing
3 presses, and I was trying to get my dryer -- or my
4 dryers -- Printing Research's dryers, the air blanket
5 dryer, on those presses. They had already made plans to
6 buy the dryers that Heidelberg, the manufacturer of the
7 presses, was recommending, which was a German dryer.

8 And I felt strongly that the air blanket
9 dryer that Printing Research manufactured was a superior
10 product. And, therefore, my initial mission there was
11 to get -- convince them not to go with what the press
12 manufacturer was telling them they were going to put on
13 these presses they were buying, but to put my dryer on
14 instead.

15 And for the press manufacturer -- you have
16 to understand that's a pain in the butt for them. Maybe
17 I shouldn't use "butt," but anyway it is. They would
18 rather go with whatever is already wired into the
19 press. They just plug it in.

20 So we definitely, at Printing Research, we
21 had to show Williamson Printing that we had a superior
22 product there. That was my main thrust, to get those
23 dryers on those presses. Then I started looking for
24 other things to sell.

25 Q. (By Mr. Harris) Did you find other things?

1 A. Oh, yes. I've always got more to sell.

2 Q. On this product?

3 MR. PINKERTON: Objection. Form.

4 A. You mean -- "on this product," you mean on the
5 printing presses they had?

6 Q. (By Mr. Harris) Yes.

7 A. Yeah. We had -- I thought we had lots of
8 products we could sell them that would help them achieve
9 what they were trying to achieve.

10 Q. Did Bird really make this sale or help you make
11 this sale?

12 A. You mean John Bird?

13 Q. Yeah.

14 A. I think he did.

15 MR. PINKERTON: I'm sorry. Objection to
16 form of the question.

17 A. I think in the course of meeting with them as
18 time went on, I used John Bird for some technical
19 explanation. It wasn't that he was going to tell them
20 anything different than I was. It was just the way that
21 he would tell them, I think. He could speak from more
22 experience.

23 Q. (By Mr. Harris) Let me hop back to your
24 education. I don't think we got very far through it.
25 Would you go on, please.

1 A. Okay. And then I went -- I graduated from
2 Woodrow Wilson High School, and then I got my
3 undergraduate degree at East Texas State University,
4 which is now known as Texas A&M, Commerce. My degree is
5 in -- I have a Bachelor of Science in Journalism;
6 emphasis, printing management.

7 My education began when I was about six
8 years old. My father owned a typesetting company, which
9 there are none of those left, but that was a part of the
10 printing process. Attorneys were big clients of ours,
11 and we did a lot of legal typesetting. The name of the
12 company is Trade Type of Dallas.

13 MR. PINKERTON: Trade Type?

14 THE WITNESS: Trade, T-r-a-d-e, T-y-p-e.

15 (Mr. Sweeney entered deposition
16 proceedings)

17 A. The industry used to be broken down into
18 typesetters, printers, bindery people. The industry is
19 not like that anymore. We were the people that put the
20 words on the page. Printers mainly just printed. They
21 just pressed ink in the paper.

22 My father owned the company. At one time
23 we had about 100 employees. And he basically raised me
24 to run that company. So I've been involved in printing
25 since I was a very small child. And I had no choice; I

1 was going to be a printer whether I liked it or not.

2 That's my background -- educational
3 background in printing. I served -- upon graduation I
4 guess you could say I went to work for him full-time. I
5 was already working -- I had worked for him since I was
6 14. And I ran the company for two years until we sold
7 it.

8 And then I went out in the world, and I
9 managed a printing department for a company that's no
10 longer in business, Jaggars, Chiles & Stovall.

11 Q. (By Mr. Harris) Who?

12 A. The name of the company was Jaggars, Chiles &
13 Stovall. And they were a typesetting printing company,
14 and I managed their printing department. They, too,
15 realized that there was a point where typesetting was
16 going to go away, and they were trying to get into the
17 printing business. And they felt like I had, I guess,
18 the background to -- I could understand what they were
19 doing as well as the printing side of what they were
20 trying to do.

21 From there I went to work for a company
22 called Newman & Melton, which was a printing company, as
23 a salesman. I wanted to sell. I didn't want to be
24 stuck in the plant. And I also thought that that was
25 the greatest place to make money. If you don't own one,

1 then you should be selling the product. That's just my
2 opinion. That's where I was comfortable.

3 MR. PINKERTON: What did you sell?

4 THE WITNESS: I sold printing, commercial
5 printing.

6 MR. HARRIS: Titch, titch. That's one
7 hickey.

8 MR. PINKERTON: I had to ask.

9 A. Let's see. From there I left the printing
10 industry actually for six years. I went to work for
11 Oscar Mayer as a sales manager. There was a recession
12 in Dallas in the early '80s, and it was very hard to
13 make a living selling printing. And I thought, well,
14 people need to eat. And these people are a big
15 corporation, and they'll teach me something about
16 selling that maybe I don't know. And they did.

17 And I worked for them -- I actually worked
18 in the food industry for about six years. I left them.
19 They wanted to send me to Madison, Wisconsin to be in
20 their marketing department. I'm the guy -- if you've
21 ever eaten a hot dog at 7-Eleven, I'm the guy that came
22 up with that concept, and it went nationwide.

23 And Oscar Mayer thought that anybody with
24 this much creativity should be in our marketing
25 department in Madison, Wisconsin. There was one

1 problem. I had been to Madison, Wisconsin in the
2 winter, and I don't like 15 below zero.

3 And Oscar Mayer was a very political
4 company. And when I told them I wasn't -- I wanted to
5 be a sales rep, I didn't want to go to Madison,
6 Wisconsin, someone took offense to it. So I went to
7 work for one of their competitors. And then I was back
8 in the industry in about '88.

9 Q. (By Mr. Harris) One of their competitors?

10 A. Uh-huh. Wilson -- it was Sara Lee, Wilson
11 Foods. In the food industry in those days there was a
12 lot of buying and selling of companies. One, you had to
13 be nice to people at trade shows because that guy in
14 that booth next to you is probably going to be your boss
15 in two weeks. It was that bad.

16 Q. I understand.

17 A. And I had decided that printing -- about '88 --
18 printing was never -- about '87 -- printing was never
19 this bad. I actually missed the industry. So I went
20 back for more and wound up working for the Albert
21 Ladymon Company, which was an equipment dealer based in
22 Dallas and --

23 Q. What kind of equipment?

24 A. They sold everything -- all printing -- all
25 types of printing equipment, new and used. They're an

1 independent dealer, and they probably rep'd, gosh,
2 100 lines. Anybody looking for somebody to sell
3 something related to printing, I think they would carry
4 it.

5 And we carried Printing Research's
6 product, and that's where I met Bill Holts, who was at
7 that time VP of sales at Printing Research. And then he
8 hired me to work for he and Howard, and I was with
9 Howard from '91 until '97. I thought Printing Research
10 was a good company.

11 Q. I noticed in your affidavit that you appear to
12 have had a little disappointment or trouble toward the
13 end, as I see it, because of the determination of what
14 your status was, whether you were an employee or whether
15 you were an independent agent --

16 A. Right.

17 Q. -- is that true?

18 A. That's true.

19 Q. Did that cause you difficulty?

20 A. I don't know if you'd say it caused me
21 difficulty. I think it was just a change in status, a
22 change in the way things were done in general with the
23 company. Was it real negative on me? Only from the
24 mental standpoint of you weren't sure what was going to
25 happen next.

1 Financially? Maybe, maybe not. I mention
2 in there their 401(k) program. And I'm not blaming
3 Howard. People that were advising Howard -- Ed
4 Schaffler -- he's no longer there -- some other people
5 told him that that was perfectly legal. And, in
6 reality, as you can read in there, the IRS says, no, I
7 was an employee.

8 It worked out okay in the end. In other
9 words, do I have any animosity towards Howard? No.
10 He's still one of the best guys I ever worked for. He's
11 generous to his employees and --

12 Q. Why did you leave?

13 A. I left because I was fired by a new sales
14 manager he hired.

15 Q. Who was it?

16 A. He wanted to hire his friends. A guy by the
17 name of John Sherman. I think at that time it was
18 personally time for me to go anyway. John Sherman and I
19 had definitely different ideas about how customers
20 should be treated and --

21 Q. How much were you --

22 A. I won't reserve -- I'll reserve all personal
23 comments about John Sherman.

24 Q. How much were you inconvenienced by being
25 fired?

1 MR. PINKERTON: Objection to form.

2 A. I wasn't, actually.

3 Q. (By Mr. Harris) What did you do?

4 A. I went to work with some friends of mine. We
5 were going to set the world on fire and put advertising
6 on sides of trucks. We formed a company called
7 RoadNet. We had a contract with Roadway for, gosh,
8 5000 trailers. We had a tracking device we were going
9 to put on the trailers that would tell the advertisers
10 where their signs were.

11 At the time, in 1997, there wasn't any
12 more billboard space. We thought this is great.
13 Outdoor advertising is very profitable if you own it. I
14 didn't know the tobacco companies were going to be sued
15 by the federal government. Tobacco companies are your
16 biggest outdoor advertiser, and all that went away. So
17 after about a year and a half, I realized that that
18 wasn't going to work. But it was worth a shot.

19 So from the standpoint of leaving Printing
20 Research, no, there was no negative effect to me at all
21 actually because I was able to do some things there
22 that -- sometimes you've just got to stretch your wings
23 a little bit and try something new.

24 MR. PINKERTON: Bill, the affidavit
25 that --

1 MR. HARRIS: We're marking it now --

2 MR. PINKERTON: Okay.

3 MR. HARRIS: -- as Exhibit 2, Baker
4 Exhibit 2.

5 (Exhibit 2 marked)

6 Q. (By Mr. Harris) I have made reference some to
7 an affidavit in your examination. And you would agree
8 with me, would you not, that that's a true and correct
9 copy of that affidavit?

10 A. Let me read through it real quick just to make
11 sure.

12 Q. Sure.

13 A. Not that I don't trust you guys. I do. The
14 same copy, yeah.

15 MR. PINKERTON: You can go ahead and look
16 at it, if you want to, to refresh your memory. You need
17 to?

18 (Mr. DeMoore left deposition proceedings)

19 THE WITNESS: Okay.

20 MR. HARRIS: In about 10 minutes, I
21 propose a break, unless you want one sooner.

22 MR. PINKERTON: Okay.

23 A. Same --

24 MR. PINKERTON: Is it all right?

25 A. Same one.

1 MR. PINKERTON: You haven't finished.

2 THE WITNESS: Oh, well.

3 MR. PINKERTON: How many pages have you
4 got?

5 THE WITNESS: The part -- oh, well, you
6 know.

7 (Mr. DeMoore entered deposition
8 proceedings)

9 (Discussion off the record)

10 Q. (By Mr. Harris) Are you through?

11 A. I've read it, yes.

12 Q. Are you satisfied that that's --

13 A. It's the same document.

14 Q. -- a copy of your --

15 A. It's got to be a copy of a copy of a copy.

16 THE WITNESS: Don't put that in there.

17 Q. (By Mr. Harris) -- affidavit? Anyway, it's
18 all there, isn't it?

19 A. It's all there. It's all there. All the pages
20 are there, even where I signed it.

21 Q. Can you describe the WIMS process for me,
22 please?

23 A. The WIMS process, the way it was described to
24 me, it was putting down flexo inks, metallics --
25 primarily golden. The sample I saw, first sample I saw,

1 it had gold and silver. And it was put down with litho
2 ink, but it was a part of the image that would normally
3 be printed in litho. And that's what made it different,
4 was that I had never seen flexo inks used as part of the
5 process.

6 Q. When was it you saw the process practiced?

7 A. Practiced or first time I saw a sample?

8 Q. Practiced.

9 A. Practiced?

10 Q. Yes.

11 A. I personally never witnessed it practiced until
12 after we started installing our device at Williamson --
13 the Printing Research device at Williamson.

14 MR. PINKERTON: Counsel, I'm --

15 Q. (By Mr. Harris) Now, is that a Williamson
16 device or a Printing Research device?

17 MR. PINKERTON: Bill, if I just --

18 MR. HARRIS: Sure.

19 MR. PINKERTON: You asked him about the
20 WIMS process. I just want to make sure you-all are
21 talking about the same thing when you ask him about the
22 WIMS versus the '363 patent. Okay?

23 Is there a distinction you make in your
24 mind as to what we're talking about here?

25 A. Okay. If we're talking about the WIMS

1 process --

2 Q. (By Mr. Harris) That's what I'm talking
3 about.

4 A. -- personally witnessing the WIMS process going
5 down on paper --

6 MR. PINKERTON: I don't know what's in --

7 A. Not -- not -- it was with a device similar to
8 this, but it was at the end of the press the first
9 time. That was the first time I had ever seen flexo --
10 personally seen flexo put down on a printed piece.

11 Q. (By Mr. Harris) When?

12 A. It was at Williamson after we built the
13 prototype of the first Rendleman Coater, if that's okay
14 to call it the Rendleman Coater. Now, if you're talking
15 about seeing examples of the process earlier on --

16 Q. I'm not.

17 A. Okay. All right.

18 Q. I'm talking about what I asked you.

19 A. I'm just clarifying that.

20 Q. Okay. If you get real insistent on saying
21 something, well, okay.

22 When you're talking about witnessing it,
23 when are you talking about?

24 MR. PINKERTON: Object as to form. What
25 do you mean by "it"? Witnessing what?

1 MR. HARRIS: Well, we just talked in
2 context about --

3 Q. (By Mr. Harris) Seeing it put down on paper
4 was the way, I believe, you had put it?

5 MR. PINKERTON: I still don't know what
6 "it" is. I'm going to object to the form of the
7 question.

8 Q. (By Mr. Harris) Would you tell me what "it"
9 is, please.

10 MR. HARRIS: I believe he knows.

11 A. It? You're talking about seeing the WIMS
12 process --

13 Q. (By Mr. Harris) Yes.

14 A. -- in action?

15 Q. That's right.

16 A. That would have had to have been -- it had to
17 have been in '95 just from -- to get the dates correct
18 for the record. I remember the place. I can remember
19 the day. I don't remember the day of the week, but I
20 remember being there --

21 Q. What was the occasion --

22 A. -- seeing --

23 Q. -- as far as you can remember?

24 A. -- the device that we are selling Williamson
25 work at Williamson. I mean, we could do it all day long

1 on our R&D press. It doesn't mean anything until a
2 device works at your customer's. You really don't have
3 anything until that happens.

4 Q. Uh-huh.

5 A. And in this business, you still don't have
6 anything until you get paid for it.

7 THE WITNESS: That's -- don't put that.
8 I'm sorry.

9 A. But the fact that I remember it working on
10 their machine --

11 Q. (By Mr. Harris) What is "it" working that
12 you're talking about? Now I'm getting confused.

13 A. Putting down flexo ink on --

14 Q. You're not talking about the WIMS process, or
15 you are? WIMS-1 is what I'm talking about.

16 MR. PINKERTON: Okay. See, we're talking
17 about two different things here, WIMS-1 --

18 MR. HARRIS: Now, you don't need to
19 testify, John.

20 MR. PINKERTON: No, I'm not.

21 MR. HARRIS: Are you sure? Are you
22 positive?

23 MR. PINKERTON: What I'm positive about is
24 that there's confusion on the record.

25 MR. HARRIS: I believe that's true.

1 A. Are we talking about the equipment, or are we
2 talking about the process?

3 Q. (By Mr. Harris) Well, I'm talking about WIMS.
4 Didn't you talk about WIMS in your affidavit?

5 A. We did talk about WIMS in the affidavit, yes.

6 Q. All right. Now, what did you mean when you
7 talked about WIMS?

8 A. When I -- my definition or what -- my
9 definition doesn't mean anything. What -- to me, WIMS
10 is a patented process that Williamson holds the patent
11 on of putting flexo and litho ink down on a sheet
12 together. Regardless of how you get it there, that
13 process of including flexo ink in with litho ink in your
14 process, whether you do it with a four-color process or
15 five-color process or six-color process, that's what the
16 crux of the WIMS process is. And prior to --

17 Q. Well -- excuse me. Go ahead.

18 A. I'm sorry. I'm not through. Prior to going to
19 Williamson Printing, I had never seen that before.

20 Q. Well, let me ask you: What do you mean by
21 "flexo ink"?

22 A. You want the definition of what flexo ink is?

23 Q. Yes, sir.

24 A. Flexographic ink is an ink formulated, most --
25 there are different types, but I'm talking about the

1 water-based. The water-based type, which is what you
2 would use in this process to dry with the dryers we were
3 supplying, it's the ink for -- it's the ink used for
4 flexographic printing; that is, printing from a raised
5 image onto a sheet.

6 And I don't want to confuse that with
7 letter press, which is also printing from a raised
8 image. But in the flexographic process it's called
9 "flexo" because your image is -- it's a flexible
10 plate. It's not made of metal. It's made of flexible
11 material. Initially they were fairly soft that got
12 harder and more sophisticated as time has gone on, but
13 that's the crux of what flexo is.

14 Q. Are you sure that the WIMS-1 process, the one
15 they have the patent on that you were talking about --
16 are you sure that that process has a flexo ink or a
17 flexo step?

18 A. I'm sure that you would have to use flexo ink
19 to get flexo metallics on that sheet. Yes. Flexo
20 step? I don't know how else you're going to put flexo
21 ink down if you don't use a flexographic process.

22 Q. Let's return to when you first saw what you
23 described in the way of a WIMS practice. Do your best
24 to think what the circumstances were, who was there and
25 what time it was.

1 A. Well, Ron Rendleman was there. I'm sure John
2 Bird was there, maybe Steve Garner from Printing
3 Research, myself, and probably a handful of
4 technicians. I'm not sure if Howard was there that
5 day. Jesse Williamson was there. Bill Davis was
6 there. Production manager, Jim -- Jim's last name
7 escapes me, but anyway the production manager was
8 there. I think Bob Emerick was there. So, I mean --

9 Q. Was there a customer involved other than
10 Williamson?

11 A. I don't remember a customer being there.

12 Q. This wasn't a job that was being run for
13 somebody or to show a sample to somebody?

14 A. The first time I saw it, it was a test. We had
15 it on a machine -- or Ron Rendleman finally had it --
16 had it installed there on the end of the machine, and
17 they were running tests, and the thing was working.
18 When I say "working," I mean it was swinging in and out
19 and it was laying down ink.

20 Q. This was a two-pass operation, correct?

21 A. At that time it was, yes. Well, it was but it
22 wouldn't have had to have been, but it was. I guess
23 initially it was. I know we didn't put down litho ink
24 first initially and then flexo. We were testing the
25 flexo.

1 Q. Wasn't it run back through then?

2 A. It was run back through. I do remember. I do
3 recall we did some tests. We ran it back through.

4 Q. So it was two-pass, wasn't it?

5 A. That was done two-pass, I believe. Yes.

6 MR. HARRIS: Can we take that break now?
7 I think it's a good time if you do.

8 MR. PINKERTON: Sure. Fine.

9 (Recess taken)

10 (Mr. Sweeney left deposition proceedings)

11 Q. (By Mr. Harris) We were talking about WIMS.

12 A. Uh-huh.

13 Q. Did you ever hear that there was a WIMS-1 and a
14 WIMS-2?

15 A. I would always lump those together, and I don't
16 have a recollection of there being a one and a two --
17 just a WIMS.

18 Q. Have you ever seen the patent number that's
19 generally given when WIMS is referred to?

20 A. No.

21 Q. And haven't seen the patent at all, right?

22 A. No, I have not.

23 Q. What -- are you familiar with the term
24 "rack-back" --

25 A. Yes.

1 Q. -- as it relates to a mechanism that would have
2 some utilization in printing?

3 A. Yes.

4 Q. What does rack-back mean to you?

5 A. As it pertains to the products I've sold, it's
6 the way you back a coater off the printing unit. And
7 it's just referred to industry-wide as a type of
8 coater -- not -- I shouldn't say type of coater. A type
9 of mounting for a coater would be more exact.

10 Q. Okay. When did you first learn of a rack-back
11 coater?

12 A. Probably when I was -- gosh -- definitely when
13 I was with the Albert Ladymon Company, and then we had
14 one at Printing Research. Those were the earliest. But
15 definitely when I was at the Albert Ladymon Company, we
16 had one that we sold.

17 Q. That what?

18 A. Albert Ladymon Company rep'd one. We didn't
19 sell any of them, but we rep'd them.

20 Q. Who made it? Do you know?

21 A. I don't remember. I don't recall. It was not
22 Printing Research.

23 Q. Right.

24 A. It was someone else.

25 Q. But you say Printing Research had one?

1 A. Yes, they did.

2 Q. Well, is it possible for you to make a crude,
3 if necessary, sketch of a rack-back coater?

4 A. Sure.

5 MR. PINKERTON: Object to the form of the
6 question. In view of the definition that he's given, a
7 broad definition, I don't think there's anything that
8 can be sketched. But object to the form.

9 A. There's different ways of doing it. I mean, I
10 know of three, but I'll draw you one.

11 Q. (By Mr. Harris) Well, you started off knowing
12 about one. Was it called a rack-back coater when you
13 were at your employer prior to -- prior to Printing
14 Research?

15 A. Yes. That's what we called it.

16 Q. A rack-back?

17 A. Yeah, just --

18 Q. Well, what did it look like?

19 A. I won't draw it in perspective, if I could. If
20 this was your printing press and these are your printing
21 units, and this is the delivery side of the press -- you
22 might not have this much room -- this would be the
23 delivery up here.

24 Q. Okay. That's where the paper goes to?

25 A. Yeah. It would mount in here.

1 Q. Mount in where?

2 A. It would mount between the last unit of the
3 press, in most cases, because you couldn't get it --
4 because they were so big, you couldn't get them anywhere
5 else.

6 Q. I understand.

7 (Mr. Sweeney entered deposition
8 proceedings)

9 A. You would mount it to the last unit of the
10 press before the delivery. And they may -- and they
11 used different types of drives. Some of them used
12 scissor arms. Some of them used gears. Some of them
13 used cables. In all cases they had some type of a rail
14 that this head that would go to the printing unit would
15 slide down and into place.

16 There was another one I've seen that would
17 actually -- the gear tracks were flat, and it would just
18 roll straight back out of the way. It didn't go up at
19 an angle or -- people got real creative with the ways to
20 get them into different presses how they wanted them.

21 Like I said, you have to be able to get it
22 out of there because you have to get to the printing
23 unit sooner or later.

24 Q. And you couldn't do it with that if you went
25 upstream, huh?

1 MR. PINKERTON: Objection.

2 A. You could.

3 MR. PINKERTON: Form.

4 A. I mean, the problem would be getting it in and
5 out.

6 Q. (By Mr. Harris) That's what I say.

7 A. Yeah. You might -- I never saw them anywhere
8 but on the last unit.

9 Q. Yeah. I see the printing stands or
10 illustrations, but I don't see a sketch of a rack-back
11 anywhere.

12 A. It's right here (indicating). That would be
13 your coater, and it might look like that. It might -- I
14 don't know -- have a scissor arm or something, but this
15 was the arm. That's just, you know --

16 Q. What else are you --

17 A. And that particular design covers --

18 Q. What else are you aware of? You said there's
19 several kinds or something. What else are you aware of
20 that would be a rack-back?

21 A. Well, there was a scissor type mounted on some
22 type of a stand.

23 Q. I'll go ahead -- am I yellowing out properly?

24 A. That's fine. No. It's fine.

25 Q. Is that it?

1 A. Yeah. Okay. Like I said, there's several ways
2 of getting it back out of the way. There was one brand
3 that had scissor arms on it, and it mounted on a stand,
4 and it scissored in and scissored out. There was one on
5 rails, just flat rails that rolled up to the printing
6 unit and rolled out. And it would depend on, obviously,
7 the type of printing press you had, what you could put
8 there.

9 Q. Uh-huh.

10 A. I saw one that bolted in. I don't know if you
11 called it a rack-back or not, but it bolted in and
12 bolted out on the end of a press. There have been all
13 manner of -- I guess you're safe to say there has been
14 all manner of coater attached to the last unit of the
15 printing presses over the years.

16 Q. Well, when you were talking with -- was it
17 Mr. Williamson and Mr. Davis in Atlanta?

18 A. Uh-huh.

19 Q. When you were talking with them and there was
20 something said about a rack-back coater, in a general
21 sense, was this the kind of thing you were talking
22 about?

23 A. Yes.

24 Q. At that time, it's fair to say, is it not, that
25 you had never seen a Rendleman Coater?

1 A. It had not been built.

2 Q. So it's fair to say --

3 A. Yes, it is.

4 Q. -- that you hadn't seen it?

5 At the time you had that conversation and
6 you say there was some reference to a rack-back
7 coater --

8 MR. PINKERTON: Is this the conversation
9 in -- excuse me, Bill. Is this the conversation in
10 Exhibit 2 you're referring to?

11 MR. HARRIS: There's reference to it.
12 I've been mashing it real hard, but it won't convert. .

13 MR. PINKERTON: Yeah. I just -- if you're
14 going to ask him about something in the declaration, I'd
15 like to refer to it. I think it's fair for the
16 witness.

17 MR. HARRIS: I'm not asking him about
18 something in the declaration. I'm asking him about what
19 happened in Atlanta. He was there, I suppose.

20 Q. (By Mr. Harris) You were in Atlanta, weren't
21 you?

22 A. I was definitely in Atlanta.

23 Q. And you met with those two fellows, didn't you?

24 A. I did meet with Bill Davis and Jesse Williamson
25 in Atlanta.

1 Q. And you had a hard day, didn't you?

2 A. "Hard" is a relative term.

3 Q. You said so in the affidavit --

4 A. "Hard" is --

5 Q. -- that he's talking about.

6 A. I don't think I said "hard," did I?

7 Q. Yeah.

8 A. Oh, yeah. We got pretty hungry that day.

9 Yes.

10 Q. Pretty hungry where you had to drive around a
11 whole lot to find a place to eat? Now, where was it you
12 ate?

13 A. We ate at Morton's Steakhouse.

14 Q. Right. And it was good to find it, wasn't it?

15 A. It was very good to find it.

16 Q. Did you start your conversation with these
17 fellows before or after or during dinner?

18 A. During -- a lot during. There was mentions
19 before dinner and we decided -- there were questions by
20 Jesse about different things we were going to see, and
21 I'm sure I was trying to nail him down on more
22 specifics. So I'd show him what he wanted to see but --
23 about where we were going and what we were going to
24 see. And then there were, you know, the other
25 discussions at dinner. Obviously, over dinner there was

1 more detailed discussion about it.

2 Q. Yeah. About what?

3 A. About WIMS, about what they were trying to
4 achieve with WIMS and how --

5 Q. With WIMS?

6 A. Well, what they were trying to achieve with
7 their WIMS process and what I might -- what Printing
8 Research might have that would help them achieve that.

9 Q. Was that WIMS-1 or WIMS-2?

10 A. As far as I know, it was just WIMS. I didn't
11 know of any 1 and 2.

12 Q. Okay. And you thought it was a flexographic
13 process?

14 A. Because we were talking about flexographic,
15 yes.

16 Q. My question is: Did you think it was a
17 flexographic --

18 A. Yes, I did.

19 Q. -- process?

20 A. Flexo and litho together.

21 Q. Yes? That's what you thought?

22 A. Yes.

23 Q. In July of 1994 in Atlanta at Morton's
24 Steakhouse?

25 A. Uh-huh, yes.

1 Q. And did you tell them there your good feelings
2 about what a dryer might do in this process?

3 MR. PINKERTON: Objection. Leading.

4 A. We did talk about the dryer being necessary to
5 achieve what they wanted to achieve, and everyone there
6 understood that.

7 Q. (By Mr. Harris) And I note you say in here --
8 and I am reading from it now -- the atmosphere was
9 friendly at the restaurant.

10 A. Yes.

11 MR. PINKERTON: What paragraph are you
12 referring to, Counsel, if you don't mind?

13 MR. HARRIS: No, I don't mind at all. I'm
14 talking about Paragraph 5, Page 2.

15 MR. PINKERTON: Thank you.

16 Q. (By Mr. Harris) And they told you that they
17 had a patent application pending, right?

18 A. Yes.

19 Q. What did you think it was on?

20 A. A process for printing.

21 Q. What kind of process for printing?

22 A. The WIMS process.

23 Q. What WIMS process?

24 A. Using flexographic ink with lithographic ink
25 together. I distinctly remember asking Jesse Williamson

1 questions to that.

2 Q. And you thought that they, then, based on what
3 he said, had a patent application pending on using
4 flexographic inks and lithographic inks together, right?

5 A. Right. I did.

6 Q. And if that wasn't the case, then you were
7 confused?

8 A. If that wasn't the case, then I must have been
9 confused. Yes.

10 Q. Or they might have been confused, right?

11 MR. PINKERTON: Objection. Form.

12 Q. (By Mr. Harris) Isn't that true?

13 MR. PINKERTON: Lack of knowledge.

14 A. That would be possible. Yes.

15 Q. (By Mr. Harris) You say in here, at the top of
16 Page 3, for benefit of counsel, It was clear to me that
17 the discussions took place in confidence and that Jesse
18 Williamson and Bill Davis intended that I not publicize
19 outside those with a need to know what was being
20 discussed at the restaurant meeting in Atlanta.

21 I have read that correctly, haven't I?

22 A. You have.

23 Q. Was there anything actually said to you about
24 this is confidential?

25 A. I believe that was mentioned, yes, in

1 conversation.

2 Q. Was it told to you why they were telling you?

3 MR. PINKERTON: Objection. Form.

4 A. I don't recall.

5 Q. (By Mr. Harris) You what?

6 A. I don't recall. It may have been an
7 assumption.

8 Q. You don't know whether they did or not?

9 A. Yeah. It might have been an assumption on my
10 part why they were telling me that.

11 Q. But you didn't have to sign anything to keep
12 anything secret, did you?

13 A. Not there, no.

14 Q. Well, where did you?

15 A. I don't remember signing anything to keep --

16 Q. The only reason I said that is you said, Not
17 there, no.

18 A. Well, just being specific. Sorry.

19 Q. All right. Well, they really did take you into
20 their confidence? You would agree with me that they
21 really did take you into their confidence, would you
22 not?

23 A. I would. I would agree with you, yes.

24 Q. If I said that, you would agree?

25 A. Yes.

1 Q. And you would agree with me that they were not
2 wanting to disseminate it very widely, if at all -- the
3 information?

4 MR. PINKERTON: Objection. Leading.

5 A. I would agree with that statement. I don't
6 think they would want their competitors to know what
7 they were doing. No.

8 Q. (By Mr. Harris) Did this meeting, at some
9 point in it or at the termination of it, look forward to
10 some further activities?

11 A. Yes.

12 Q. Some follow-up?

13 A. Yes.

14 Q. I don't believe that's mentioned in your
15 affidavit. Could you tell me about it?

16 A. We basically went on a field trip the next
17 day. We went to a place called Cadmas, and we looked at
18 UV dryers that Printing Research had installed on
19 Heidelberg presses. We went to a carton printer and
20 looked at a hot air drying system that had been
21 installed on a printing press. I think those are the
22 only two places we went. They were both in the Atlanta
23 area.

24 Q. It is a fact, isn't it, that you kept this
25 confidence to the extent -- let me rephrase that. I'll

1 start again.

2 It's true, is it not, that you kept this
3 confidence to the extent that you didn't tell Howard
4 DeMoore about it?

5 A. I didn't see Howard DeMoore. The first person
6 I saw was John Bird when I got back.

7 Q. Is it your testimony you told the first person
8 you saw?

9 A. No. I told the first person that had authority
10 to hear it that I saw.

11 Q. That what?

12 A. I told the first person that I had authority --
13 that had authority over me to hear it.

14 Q. Were you given a list of people that had a
15 right to this information?

16 A. Of course not.

17 Q. Did you -- we may have misunderstood each
18 other. Did you ever tell Howard DeMoore this
19 confidence?

20 A. Yes.

21 Q. When?

22 A. I don't remember the exact day, but I remember
23 talking to Howard on several occasions about what was
24 going on at Williamson Printing. After all, Williamson
25 was our customer. Howard ran the company. He needed to

1 know.

2 Q. Did you tell him about the meeting and the
3 discussion at the meeting?

4 A. I don't recall exactly doing that, but I know I
5 did. I know we talked about everything that went on in
6 Atlanta at one point or another with Howard, and I don't
7 recall when I did that with Howard. I don't recall
8 seeing Howard upon returning to Dallas from Atlanta. I
9 don't recall him being in the office at that moment.

10 Q. Well, it wouldn't surprise you, would it, if it
11 were several months later --

12 A. It could have been several months later.

13 Q. -- before you did it?

14 A. It would not.

15 Q. Would you be sure that's down on the record.

16 A. I don't think it was several months, but it
17 could have been. But I had superiors, so they knew.
18 Their job is to report to Howard.

19 Q. Had -- as you understand it, what was it that
20 Jesse Williamson and Bill Davis asked you to do
21 specifically in follow-up at the July 1994 meeting?

22 A. They didn't necessarily ask me to follow up or
23 give me an order to follow up on anything at that
24 meeting. We just discussed what they were looking for.

25 Q. Did they indicate a desire to enter into some

1 sort of business relationship?

2 A. I thought they did. Yes.

3 Q. Was it implied, or was it specific?

4 A. They didn't -- I won't say -- they didn't come
5 right out and ask me, but I think at the end of that
6 trip it was left with them, we'll discuss this further,
7 see what we can do, and we'll get back to you.

8 Q. Was that discussion held with you, that further
9 discussion?

10 A. When we did have the further discussion? Is
11 that what you're asking?

12 Q. Yeah.

13 A. Was it held with me? When Williamson and I had
14 a further discussion, I was not the only one in the
15 room. I was not the only one there.

16 Q. When was it?

17 A. I can't give you -- I don't remember exact
18 dates.

19 Q. Who --

20 A. It was sometime after July. And John Bird was
21 there. I think Garner was there, Steve Garner. And I
22 know Bill Davis was there. Jesse Williamson was there.
23 I don't recall whether or not Howard was there. I don't
24 recall --

25 Q. Where were you?

1 A. We had meetings at Williamson Printing, in the
2 conference room at Williamson -- one of the conference
3 rooms at Williamson.

4 Q. Conference Room E?

5 A. I remember it was the first one as you walk in
6 on your right. So when you walk into the area of
7 conference rooms, I think that first one is E. Yeah.

8 Q. Did you remember --

9 A. I don't think it matters.

10 Q. -- what the conference room number was when you
11 gave your affidavit?

12 A. I did.

13 Q. How did you remember it? Go out and look?

14 A. Because I was looking at it. You're right.

15 Q. Were you out there when you did the affidavit?

16 A. I was there when I did my affidavit.

17 Q. Who were you visiting with when you did the
18 affidavit?

19 A. Mr. Falk.

20 Q. Only Mr. Falk?

21 A. Mr. Falk was the only one there. Yes.

22 Q. Did Mr. Williamson or Mr. Davis discuss your
23 affidavit with you either before or after --

24 A. No.

25 Q. -- it was put together?

1 A. They never did.

2 Q. Who wrote your affidavit as far as doing the
3 scribing is concerned?

4 A. Mr. Falk.

5 Q. Who picked the precise words?

6 A. I think they were my words. Obviously, when he
7 put it down, he got the gist of it down. So I'd say I
8 picked the precise words -- or maybe not precise but --
9 he may have edited it when he typed it up so that it
10 would be more concise, not all the --

11 Q. Mr. Falk?

12 A. Yes.

13 Q. Do you deal with the Williamson company any?

14 A. Currently?

15 Q. Yes.

16 A. I don't sell them anything currently. No.

17 Q. Did you three months ago?

18 A. The last time I was in Williamson Printing was
19 February or March, and there's -- the products I
20 currently sell, Williamson Printing really has no need
21 for.

22 Q. So you've never sold Williamson Printing
23 anything --

24 A. Not since I left Printing Research. No.

25 Q. I need to make a deal with you, and I violate

1 it a lot myself. But the deal is you let me finish, and
2 I'll try like the dickens to let you finish.

3 A. Okay.

4 Q. The question is: Have you sold them anything
5 whatsoever since you left Printing Research?

6 A. No.

7 Q. Do you see any prospects?

8 A. There are always prospects sometime in the
9 future.

10 Q. Do you see --

11 A. They're not out of business yet.

12 Q. I'm sorry. Do you see any specific prospects?

13 A. No, not at this time.

14 Q. Under Paragraph 12 on Page 5, Item 2, you say,
15 Their prior development of the WIMS process as described
16 to me in 1994.

17 Can you be any more specific than you have
18 been with me previously talking about the WIMS process?

19 A. No.

20 Q. Now, what was it that you conveyed to John Bird
21 and Steve Garner upon your return from Atlanta in '94?

22 A. Well, at that point I thought that -- I was
23 asking them -- I remember asking in the form of a
24 question, Why can't we take, like, the EZ Coater and put
25 it on a printing unit form and then use the innerdeck

1 drying?

2 At that point John Bird says -- I remember
3 him saying, We're way ahead of you on that.

4 We all work with this every day. And
5 seeing how something could be an application for someone
6 is -- it's just -- you know, it doesn't take long to
7 think of it.

8 Q. Have you designed much equipment?

9 A. Have I designed much equipment?

10 Q. Yeah.

11 A. Not for Printing Research.

12 Q. Are you designing it for somebody else?

13 A. No, not currently.

14 Q. You must have designed a lot of it before you
15 went to Printing Research?

16 A. As pertains to the printing industry? No. And
17 I'm not -- you just said, Have you designed much
18 equipment? I've built stuff, you know; but not like
19 this, no. I mean, if you want to split hairs, hell,
20 yeah, I have; but not for Printing Research.

21 When I worked for my father, I designed
22 things that helped our process in the typesetting
23 business that the manufacturers didn't, in my opinion,
24 do right. And I changed them and modified them.

25 Q. Have you ever made a United States patent

1 application?

2 A. No, I have not.

3 Q. Have you ever looked into the possibility of
4 making one for yourself or --

5 A. No.

6 Q. -- yourself and someone else?

7 A. No.

8 Q. On the other hand, would you say you're --
9 well, take DeMoore. I take it he's not much of a
10 designer either, that DeMoore is just a pressman; is
11 that right?

12 A. Howard DeMoore was a pressman.

13 Q. That's right. That's all he is, isn't it, just
14 a pressman? That's what you said in your affidavit,
15 isn't it?

16 A. I don't think I said he was just a pressman in
17 the affidavit.

18 Q. No, you didn't put the word "just" in there,
19 but read it in context.

20 A. I don't remember calling Mr. DeMoore just a
21 pressman.

22 Q. It's on Page 5. It starts off talking about
23 Rendleman and treats Rendleman and DeMoore --

24 A. He was -- DeMoore was a pressman by trade. He
25 was. That's a true statement. I don't think Howard

1 will dispute that.

2 Q. You suppose Howard ever invented anything?

3 A. I believe that Howard did invent something.

4 Yes.

5 Q. Do you have any idea about the extent of his
6 work?

7 A. Well, I know for a fact that Howard DeMoore
8 invented, as far as we knew, Super Blue, the antimarking
9 system. Otherwise, there wouldn't be a Printing
10 Research today.

11 Q. Would you be surprised to know that Howard
12 DeMoore is a patentee on 50 or 100 patents?

13 MR. PINKERTON: Objection. Lack of
14 knowledge.

15 Q. (By Mr. Harris) Would you be surprised to know
16 that Howard DeMoore is the patentee on 50 or 100
17 patents?

18 MR. PINKERTON: Objection. Leading, lack
19 of knowledge, no foundation.

20 Q. (By Mr. Harris) Would you be surprised to know
21 that Howard DeMoore is the patentee on 50 or 100
22 patents? Would you be surprised to know that Howard
23 DeMoore is the patentee on 50 or 100 patents?

24 MR. HARRIS: You got your objection down.

25 MR. PINKERTON: Well, you repeated the

1 question two more times when I didn't get to object,
2 but --

3 MR. HARRIS: Okay.

4 MR. PINKERTON: -- the objection is made.
5 You agreed the objection is on record?

6 MR. HARRIS: I agreed that you made the
7 objection.

8 MR. PINKERTON: So just ask him to answer
9 the question.

10 Q. (By Mr. Harris) Answer the question.

11 A. No, I would not be surprised.

12 Q. So it would be presumptuous -- it wouldn't be
13 fair to say he was just a pressman, would it? You
14 didn't say "just."

15 A. I did not say "just."

16 Q. No.

17 A. So that would not be a fair statement.

18 Q. Why did you find it necessary to say that? I'm
19 going to ask you a why question. Why did you find it
20 necessary to say that?

21 MR. PINKERTON: In the context of
22 Paragraph 12, Bill? Is that your question?

23 MR. HARRIS: Yes.

24 A. In the context of Paragraph 12?

25 Q. (By Mr. Harris) Yes. And I'll let you --

1 A. When I gave this statement, I was asked --

2 Q. You what?

3 A. In the context of this paragraph?

4 Q. Yes.

5 A. When I gave my statement, I was asked what was
6 Howard DeMoore's background. Howard DeMoore had been a
7 pressman; otherwise, we wouldn't have Super Blue. That
8 was the whole --

9 Q. You say here, Rendleman was essentially a
10 skilled mechanic to build what others wanted.

11 A. In the context of the device we were talking
12 about -- actually, skilled mechanic was -- anyway -- I
13 put engineer, but that could be construed as being true
14 too.

15 Q. You would have put engineer, or you did to
16 beginning with?

17 A. I said Rendleman -- Ron Rendleman was an
18 engineer. And in this case he had to build it;
19 therefore, he would have been a mechanic. I wasn't
20 trying to demean what Mr. Rendleman can do.

21 Q. Well, I believe you were saying that he
22 couldn't make this invention, weren't you? Isn't that
23 what you meant by this little phrase at the end?

24 A. No, that's not what I meant.

25 Q. Well, why did you put it down?

1 A. It was down because I was -- they were asking
2 me what Mr. Rendleman's function was as regard to this
3 machine.

4 Q. Was this a response from a question that was
5 put to you by Mr. Falk?

6 A. Yes, it was.

7 Q. So this is really Mr. Falk's doing it at the
8 end here; is that right?

9 MR. PINKERTON: Objection. Leading and
10 form of the question.

11 Q. (By Mr. Harris) Isn't that a fair statement,
12 that this is really, at the end --

13 A. No, I don't think --

14 Q. -- of that paragraph, it's Mr. Falk's doing?

15 A. I don't think it's a fair statement.

16 Q. Huh?

17 A. I don't think that's a fair statement.

18 Q. Okay. Well, then, Rendleman was essentially a
19 skilled mechanic to build what others wanted. Is that
20 the way you want that to stand forever?

21 MR. PINKERTON: In the context of
22 Paragraph 12? Is that what you're asking him, Bill?

23 MR. HARRIS: I'm asking him the question.

24 A. In the context of that paragraph, that's what
25 it means.

1 Q. (By Mr. Harris) And that DeMoore was a
2 pressman by trade -- is that all you'll give him?

3 A. No.

4 MR. PINKERTON: In the context of
5 Paragraph 12?

6 A. In the context of this paragraph, that was his
7 background.

8 Q. (By Mr. Harris) And Bird admitted to me he did
9 not invent the process, and I knew that anyway.

10 How did you know that anyway? How do you
11 know what Bird invented?

12 A. I spent a lot of time with Mr. Bird.

13 Q. Good or bad?

14 A. I spent a lot of time with Mr. Bird. I think
15 everybody in this room -- there's four people laughing
16 in this room about Mr. Bird. Mr. Bird is -- John Bird,
17 he's an individual. We'll give him that.

18 Q. Okay. Well, that's more than you gave
19 Mr. DeMoore and Rendleman.

20 MR. PINKERTON: Object to the form.
21 Argumentative.

22 MR. HARRIS: It is. I admit it. Even I
23 will move to strike my own question.

24 MR. PINKERTON: I'll second the motion.
25 Bill, you don't need to scold the witness.

1 Can we take a break?

2 MR. HARRIS: Sure.

3 MR. PINKERTON: Let's take a break.

4 (Recess taken)

5 (Mr. Wilson left deposition proceedings)

6 (Exhibit 3 marked)

7 Q. (By Mr. Harris) Sir, I pass you what's been
8 marked as Exhibit 3. Would you please sign it.

9 A. (No response.)

10 Q. Do you need a pen?

11 A. Oh, oh, you want me to sign it? I'm sorry. I
12 thought you were talking to her.

13 Q. No.

14 A. You realize that when I do art and I sign it, I
15 used to get paid for it.

16 Q. You probably will. You'll get your just reward
17 in due course.

18 And what I've asked you to sign,
19 Exhibit 3, is the little sketch you drew earlier that we
20 discussed that relates to rack-back, true?

21 A. True.

22 Q. And we've highlighted or yellowed out the
23 portion that's the rack-back in the sketch?

24 A. That's true.

25 (Mr. Wilson entered deposition

1 proceedings)

2 Q. (By Mr. Harris) Can you recall when it was
3 that you visited with Mr. Falk in connection with this
4 affidavit, the preparation of this affidavit, being
5 Exhibit 2?

6 A. This affidavit? That was in November.

7 Q. November 3rd?

8 A. There's a date on it somewhere. Yeah, it was
9 November 3rd.

10 Q. With as much detail as you can, tell me how it
11 is that you came to go to meet Mr. Falk.

12 A. In conversations with Bill Davis prior to
13 November -- and I don't remember how far back -- in the
14 course of talking to them about their current needs and
15 what have you, Bill Davis asked me if I could recollect
16 anything about -- in one of our meetings over there --
17 about what I had sold them when I was at Printing
18 Research and the Rendleman Coater, as I called it.

19 And I told him to let me, you know, think
20 about it and see if I had any -- I used to have a bunch
21 of notes and dates and stuff about that whole thing.
22 But anyway, you know, I'd get back with them. And after
23 a week or two he called me and asked me if I remembered
24 to look for everything. And I told him I had and I
25 didn't find anything, that I didn't have any notes. I

1 had thrown all that stuff out. What I took with me from
2 Printing Research basically was just expenses and that
3 kind of thing. I threw all that away because they were
4 not relevant anymore to anything that -- from my view.

5 And then he asked me if I would mind
6 giving a statement, and I said no. And he asked me to
7 give him something in writing. So I sent him a little
8 note, faxed him a note that, to the best of my ability
9 at the time, just what I remember about it.

10 He was pretty vague, and I'm sure he was
11 that way on purpose because he didn't want to, you know,
12 put words in my mouth or anything. That's how I got to
13 November the 3rd talking to Mr. Falk.

14 Q. Had you been seeing Mr. Davis frequently?

15 A. I called on Mr. Davis as a customer from --
16 from like June or July of last year. I would probably
17 see him once every couple of weeks, if nothing else just
18 to take him to lunch, just what salespeople do.

19 Q. What were you trying to sell him?

20 A. Well, working for Epic, I was trying to sell
21 him Delta Dampeners for his Heidelberg presses. Even
22 though they were new, there's always room for
23 improvement.

24 Q. Are you still working for them?

25 A. I am still working for them.

1 Q. You're serious? You were really trying to sell
2 them dampeners?

3 A. Well, yeah.

4 Q. Do you still hope to sell him one?

5 A. No.

6 Q. Why?

7 A. Two reasons: One, he made it pretty clear that
8 with their Heidelbergs and the current system that's on
9 the Heidelberg, the expense of my dampeners would not
10 enhance their product that much to justify over \$200,000
11 per press cost. They're not cheap, but they work. But
12 do they work that much better than what they've already
13 got? Probably not.

14 And, secondly, I'm leaving Epic in two
15 weeks, seeking greener pastures with a much bigger
16 corporation.

17 Q. Is it in the printing industry?

18 A. Yes, it is.

19 Q. Will you be a salesman?

20 A. Yes, I will.

21 Q. Will you call on Mr. Davis?

22 A. Yes. I hope to, yes.

23 Q. Have you already told him you're doing this?

24 A. Today.

25 Q. Only today you've told him?

1 A. When I walked in this morning, it was the first
2 time I have seen him since March or -- February or
3 March, and I told him I was going to work for this other
4 company.

5 Q. Going to what?

6 A. I told him that I was going to work for this
7 other company. It's not one that they currently do
8 business with in the division that I am working for,
9 but -- and they might not -- I mean, it's a competitor
10 of Heidelberg. And chances of them switching out all
11 their presses to this other company is probably slim to
12 none, but he's still a potential customer.

13 Q. Uh-huh. Did you ever have occasion to consider
14 a job with Williamson?

15 A. No.

16 Q. Were you ever asked?

17 A. No.

18 Q. When you met with Mr. Falk, had you talked to
19 him previously over the telephone?

20 A. I recall Mr. Falk calling and setting up an
21 appointment with me, and I want to say it was a week
22 prior. I'm not sure exactly when, because covering
23 about seven to nine states, I travel a lot. So I plan
24 ahead. And that was the only time I had ever talked to
25 Falk prior to November the 3rd.

1 Q. Did you have any kind of a rough draft of a
2 statement when you went to Williamson on November 3rd?

3 MR. PINKERTON: Objection. Form.

4 Q. (By Mr. Harris) November 4th -- November 3rd.

5 MR. PINKERTON: I said, Objection. Form.
6 I'm sorry.

7 A. I had given Bill a letter stating, to the best
8 of my knowledge at that point, prior to Falk getting
9 involved, I guess, as to what I can remember. But that
10 was -- did I, you know --

11 Q. (By Mr. Harris) That's what you were talking
12 about earlier --

13 A. Yeah, yeah.

14 Q. -- that you had called a fax?

15 A. Right. Yeah, a fax.

16 Q. The same thing?

17 A. Yeah. You probably have a copy of it
18 somewhere.

19 Q. What happened when you showed up at Williamson
20 on November 3rd of 1999?

21 A. We -- I went in the conference room and met
22 Mr. Falk and sat down, and he asked me questions -- not
23 quite the intensity that you and I are talking now, but
24 we talked more rather than question and answer and got
25 my story, I guess.

1 Q. What did he say to you?

2 MR. PINKERTON: Objection. Form.

3 A. You mean specifically? I can't remember word
4 for word the conversation. This is the result of what
5 we talked about and wrote down.

6 Q. (By Mr. Harris) To the best of your ability,
7 tell me what he said to you.

8 MR. PINKERTON: Objection. Form.

9 A. Like, from the beginning? Like, what's your
10 name? Your name is Steve Baker. Give me some
11 background. And we started from the beginning, and the
12 result is here (indicating).

13 Q. (By Mr. Harris) Did Mr. Falk tell you why he
14 wanted the statement?

15 A. Yes.

16 Q. What did he say?

17 A. He told me that there was a -- that Williamson
18 was being sued by Printing Research --

19 Q. I see.

20 A. -- over the --

21 Q. And is it your understanding that the
22 affidavit -- or rather the statement that you filed was
23 in a lawsuit?

24 A. Yes.

25 Q. Would you look at it.

1 A. This one. Yes.

2 Q. What does it say, the caption?

3 A. Declaration of Steve Baker.

4 Q. Does it say anything else? Does it have a
5 title of any kind?

6 MR. PINKERTON: He's talking about the top
7 portion.

8 THE WITNESS: Oh, the top portion? Okay.

9 A. Do you want me to read that to you?

10 Q. (By Mr. Harris) Well, I want you to find for
11 me where it has the names of my client. You said a
12 lawsuit, so I want you to find that.

13 A. No. You asked me what Mr. Falk told me. This
14 was -- this didn't -- this didn't happen until after I
15 talked to Falk.

16 Q. What?

17 A. This declaration couldn't have happened until
18 after I -- in other words, when I talked to Falk, we got
19 a declaration.

20 Q. I understand.

21 A. So, I mean, I don't care what it says on here,
22 who it's got. I mean, that has no, I mean, bearing on
23 the fact that he told me that there was a lawsuit
24 between Printing Research and Williamson Printing.
25 That's what he told me.

1 Q. Is that what you thought the affidavit was for,
2 is what I asked you.

3 A. I thought the affidavit was for my recollection
4 of what happened up to Printing Research selling the
5 equipment to Williamson and why we came up with the
6 equipment in the first place for Williamson.

7 Q. What I guess I asked you was for what purpose
8 did you think you were taking an affidavit or a
9 declaration.

10 MR. PINKERTON: Objection. Form. Asked
11 and answered.

12 A. To find the truth.

13 Q. (By Mr. Harris) No.

14 A. My recollection of what happened.

15 Q. He wanted to do something with it. He must
16 have told you what he wanted to do with it.

17 A. I don't know what Mr. Falk wants.

18 Q. He didn't tell what you he wanted?

19 A. He wanted my statement as to what happened, and
20 that's what I gave him.

21 Q. And you didn't know whether it was a lawsuit or
22 it wasn't a lawsuit or --

23 A. It might not have ever, you know --

24 Q. -- a reissue or it wasn't a reissue?

25 A. No. We talked about it being a lawsuit.

1 Q. As a matter of fact, just to look at it,
2 without making light of the situation, would you look at
3 the top and tell me if you don't think it's not a
4 lawsuit that it's in, that the declaration was filed
5 in.

6 A. You're asking me if it says "lawsuit" on here?
7 No. It says Declaration of Steven Baker. And all I
8 know, it's a declaration to the patent commissioner,
9 obviously, because it says, To the Honorable
10 Commissioner of Patents and Trademarks.

11 Q. And it says at the very top, In Re the Reissue
12 Application of Bill L. Davis and Jesse S. Williamson,
13 doesn't it?

14 A. Uh-huh.

15 Q. Do you now believe or understand that it was a
16 declaration that was filed in a reissue application for
17 the patent that's listed?

18 A. I do now, yes.

19 Q. But you didn't know then?

20 A. No. Oh, no, not at that time. No.

21 Q. And he just told you that he needed some facts;
22 is that right?

23 A. Exactly.

24 MR. PINKERTON: Objection. Asked and
25 answered.

1 Q. (By Mr. Harris) What else do you remember that
2 Mr. Falk said when you were together?

3 A. Pertaining to this?

4 Q. Yeah. Pertaining in some way to the subject of
5 the lawsuit or the reissue or the general topic.

6 A. I think he said something -- I recall him
7 saying something to the effect that Printing Research
8 was challenging Williamson's patent on their WIMS
9 process and that that's what this was about. So I told
10 him what I knew about what I did at Williamson -- I mean
11 at Printing Research.

12 Q. When was their WIMS process patent that you're
13 talking about issued, generally?

14 A. My recollection of that was it's the same
15 one -- there was only -- it was only referred to as
16 WIMS. And I know earlier this morning you said 1 and
17 2. And to my knowledge it was 1. And the first time I
18 heard of it was around that time we were in Atlanta,
19 because we discussed it there.

20 Q. Right.

21 A. And I believe on the previous sales calls at
22 Williamson there was some WIMS stuff around, but I
23 didn't think to ask about it because I didn't -- at that
24 point didn't see how it pertained to me. In other
25 words, there's -- you know, I didn't ask what it was.

1 But on the trip to Atlanta, then we discussed WIMS and
2 what it was and what it meant, what it could mean to me,
3 to Printing Research.

4 Q. So when do you think the WIMS patent that
5 you're talking about --

6 A. I don't know.

7 Q. -- issued?

8 A. I don't know.

9 Q. Do you think it was issued when they were
10 talking to you?

11 MR. PINKERTON: Objection. Asked and
12 answered.

13 A. Actually, at that point, I thought they were
14 working on filing it. It's a process patent.

15 Q. (By Mr. Harris) I showed you a patent
16 earlier.

17 A. Uh-huh, you did.

18 Q. Do you recall?

19 A. Yes.

20 Q. Was it a WIMS patent?

21 MR. PINKERTON: Objection. Lack of
22 foundation, lack of knowledge. He had never seen that
23 document before, Bill.

24 MR. HARRIS: I know.

25 A. No. It was -- the first time I had seen it was

1 today.

2 Q. (By Mr. Harris) Uh-huh.

3 MR. PINKERTON: I think it's unfair to ask
4 the witness about something that he has never seen and
5 particularly in a patent matter that he's not
6 knowledgeable about.

7 MR. HARRIS: This is when he took an
8 affidavit, and he said quite a few things.

9 MR. PINKERTON: Yeah. But he doesn't talk
10 about --

11 MR. HARRIS: And he makes --

12 MR. PINKERTON: He doesn't talk about --

13 MR. HARRIS: Well, that's just too bad.
14 Maybe he should have.

15 THE WITNESS: Oh, I don't think so.

16 MR. HARRIS: Maybe you should have.

17 Q. (By Mr. Harris) Here is the patent. I just
18 wondered if that was the WIMS patent.

19 MR. PINKERTON: Objection. Lack of
20 knowledge, form, asked and answered.

21 A. I don't know. I would assume that that's
22 Printing Research's patent.

23 Q. (By Mr. Harris) Okay. And that's Exhibit --

24 A. But I think it says --

25 Q. -- 1, right?

1 A. I didn't read it, but if you read it, it might
2 say it's assigned --

3 Q. It says it's Exhibit 1, right?

4 A. Let's see what it says. It's over there, and I
5 can't read it. It says the inventors are Bill Davis.
6 Obviously, that's Williamson's. But since -- the first
7 time I had seen it was today, and I didn't read all that
8 up there. I was looking at all this down here.

9 Q. But you thought it was Printing Research,
10 didn't you?

11 A. Well, you flashed it in front of me.

12 Q. I'm not a flasher, sir.

13 A. I didn't have it in front of me. Had I had it
14 in front of me, an intelligent person would have read it
15 and not looked at it from clear over here, so --

16 Q. And you testified about its subject matter
17 too --

18 A. I did.

19 Q. -- earlier, didn't you?

20 A. That's what it looked like to me. Yes.

21 MR. PINKERTON: Over objection on the
22 basis that he'd never seen it before.

23 Q. (By Mr. Harris) You might look and see what
24 date it issued. It will tell you up there as you're
25 reading around --

1 A. May 20th, '97.

2 Q. You might look and see what date it issued. It
3 will tell you up there.

4 MR. PINKERTON: That's what he's already
5 testified to.

6 A. It says date of patent, May 20, 1997; Patent
7 Number five million six hundred thirty thousand ought
8 something. I'm sorry. There.

9 Q. (By Mr. Harris) And that's been quite a --
10 well, we can tell how long that's been since Atlanta.
11 Is it fair to say it was about three years later?

12 A. It is.

13 Q. And would you look at the filing date on it,
14 and it will be over in this column (indicating).

15 A. August 14th, 1995.

16 Q. Huh?

17 A. August 14th, 1995, it was filed.

18 Q. It's true that there was not a patent on file,
19 as far as you can tell from that, at the time you were
20 talking in Atlanta, isn't it?

21 A. On this.

22 Q. And "this" being Exhibit 1 you're putting your
23 hand on, right?

24 A. On Exhibit 1. You're right, yes.

25 Q. You were talking about assuming -- or I was

1 talking about you assuming that the patent earlier
2 involved Rendleman apparatus. And what I want to ask
3 you is simply this: Did you ever know that a patent
4 application was filed on the -- what I'll call it, I
5 guess, is this, the Rendleman Ferris wheel structure?

6 A. Did I know -- no, I did not know one had been
7 filed on that.

8 Q. You didn't know whether one was filed or not?

9 A. By -- by which company?

10 Q. By Printing Research, the Ferris wheel
11 structure.

12 A. I didn't know when they -- I assumed that they
13 would probably file one on it if it was patentable
14 because we filed -- or Howard filed patents on
15 everything that came out of Printing Research, or
16 researched it because that's the only way to protect
17 yourself and make money as a company.

18 Q. Right. So did you know that Williamson had
19 filed the application that covers -- well, let me try it
20 a little bit different.

21 Here's Exhibit 1. Did you know that that
22 had been filed by Williamson?

23 A. No, I did not.

24 Q. So you didn't know either one of the two was
25 filed: one, that I allege to you was filed on behalf of

1 Printing Research, and the other one which was filed on
2 behalf of Williamson?

3 MR. PINKERTON: I guess object to the form
4 of the question. I don't know if you're talking about
5 at what time --

6 MR. HARRIS: No. At all.

7 MR. PINKERTON: At what time, Bill?

8 MR. HARRIS: At all until maybe Mr. Falk
9 or Mr. Davis said something.

10 MR. PINKERTON: Of course that's addressed
11 in the declaration. And you want --

12 MR. HARRIS: I don't want the
13 declaration. I'm asking the question.

14 A. I didn't know at -- I didn't know if Printing
15 Research, for sure, had filed a patent on their device.
16 And I did not know that Williamson Printing had filed a
17 patent on the same device.

18 Q. (By Mr. Harris) You state in Paragraph 12 of
19 your declaration, on Page 5, that none of Rendleman,
20 Bird, and DeMoore had any part in the invention of the
21 process of the captioned '363 patent, which was
22 disclosed to me in July 1994 in Atlanta.

23 Are you -- have you found that?

24 A. I've found it.

25 Q. Okay. Is it fair to say you were talking about

1 what you would call the process patent, or is it fair to
2 say that you were talking about something more?

3 A. I was talking about the process, the printing
4 process.

5 Q. Now, as to hardware or apparatus, were you
6 talking about it?

7 A. No.

8 Q. So any hardware or apparatus that PRI had
9 anything to do with is not involved in what you made by
10 way of your statement which pertains to methodology?

11 A. That's correct.

12 MR. PINKERTON: Objection. Form.

13 Q. (By Mr. Harris) Just doing this from memory
14 instead of going to it right now, did you not say that
15 John Bird was surprised to find out that you could get a
16 patent on a process?

17 A. I remember one of our conversations with
18 Mr. Bird after we had come from Williamson, and he said
19 something to the effect that it's -- you know, it was
20 surprising to him and only from the standpoint that we
21 dealt with equipment and that when dealing with
22 equipment, you think about the hardware. And yet
23 there's lots of industries where you could patent a
24 process, and even in the printing industry. And we were
25 so used to thinking the hardware has to be patented.

1 Q. Am I quoting you properly from the bottom of
2 Page 4, Paragraph 10? He called it a brilliant move but
3 did not know whether such patenting could take place?

4 A. He did say something to that effect. Yes.
5 That's why it's in there.

6 Q. Am I, just above that, correctly noting that
7 Bird was amazed that anyone could obtain patent
8 protection on a process apart from the, quotes, "iron"?

9 A. Yes.

10 Q. That is a device used in carrying out that
11 process?

12 A. Uh-huh.

13 Q. You would agree with me that there are times
14 that the iron is critical, however, would you not?

15 MR. PINKERTON: Objection. Leading --

16 A. I would.

17 MR. PINKERTON: -- lack of foundation.

18 MR. HARRIS: Did you get his answer down
19 over my friend's statement?

20 THE COURT REPORTER: I did.

21 MR. PINKERTON: I didn't mean to interrupt
22 him, but he answers real fast and doesn't give --

23 THE WITNESS: I'm sorry.

24 MR. PINKERTON: -- doesn't give anybody
25 else time to make the objections, as appropriate.

1 Q. (By Mr. Harris) In Paragraph 10 -- 12 --
2 excuse me. In Paragraph 12 -- yeah -- you make a
3 reference to the '363 patent. It's the third line from
4 the end of Paragraph 12.

5 A. That's -- the '363 patent -- I was told by
6 Mr. Falk that's what -- that's how they would denote
7 the --

8 Q. I see.

9 A. -- patent in question. I'm assuming that
10 that's the WIMS patent, process patent.

11 MR. HARRIS: Would you mark this.

12 (Exhibit 4 marked)

13 Q. (By Mr. Harris) I ask you to direct your
14 attention to Exhibit 4. That was served upon you, was
15 it not?

16 A. It was.

17 Q. And you will note that as a part of Exhibit 4,
18 starting at the bottom of Page 1 of Plaintiffs' Notice
19 of Oral Deposition of Steven Baker, it asks for certain
20 documents. It starts asking for them. And that
21 continues to the next page down through Paragraphs 2, 3,
22 and 4. Do you have any such documents?

23 A. No.

24 Q. You're just naked or devoid of documents; is
25 that true?

1 A. I am naked and void of documents, that's true,
2 pertaining to your patents and --

3 (Exhibit 5 marked)

4 Q. (By Mr. Harris) Earlier you made reference to
5 a fax or a letter?

6 A. Right.

7 Q. I've provided you with what's been marked as 4,
8 Exhibit 4.

9 A. Exhibit 5?

10 Q. Is it 5?

11 A. Five.

12 Q. Okay. Exhibit 5. I beg your pardon. This is
13 what you're talking about (indicating)?

14 A. Yes.

15 Q. Have you written anything else on the subject?

16 A. Huh-uh.

17 Q. No supplementation or no priors?

18 A. There was a prior, like, three or four lines
19 that told Bill I remembered the -- you know, to the best
20 of my recollection, we took a trip to Atlanta. But it
21 was only like three or four lines. Then he called me
22 back and said, This is great, but if you can jog your
23 memory and remember more, it would help. And that was
24 where this came from.

25 Q. Who called you back?

1 A. Bill Davis, because I had faxed him like four
2 lines.

3 Q. Do you have a copy of that?

4 A. I can look and see. I don't know if I do or
5 not. I pulled everything out of my file I thought I
6 had. I don't have -- no, I don't have --

7 Q. Do you have one at home?

8 A. I looked for everything I had, and I don't. I
9 mean, it basically was a shorter version of this, if my
10 memory serves me right. And, you know, it doesn't say
11 as much as this one (indicating). It's just that, you
12 know, I remember --

13 Q. Well, maybe the first one said all you know.

14 A. Obviously, it didn't or we wouldn't have this
15 (indicating).

16 MR. PINKERTON: "This" being --

17 THE WITNESS: Exhibit --

18 MR. PINKERTON: -- Deposition Exhibit 2?

19 THE WITNESS: Yeah. Exhibit 4 -- or 2.

20 MR. PINKERTON: Baker 2?

21 THE WITNESS: Baker 2.

22 MR. HARRIS: It's possible that, John --
23 Mr. Pinkerton, it's possible in the documents that you
24 produced to me that that document is there, but I don't
25 have my hand on it right now. I don't remember it. If

1 you know about it, I would appreciate your help with it.

2 MR. PINKERTON: To my knowledge, it's not
3 there. We will endeavor to see if we have a copy of it,
4 and if so, we will produce it to you.

5 MR. HARRIS: That's good enough. Thank
6 you.

7 Q. (By Mr. Harris) And would you take one more
8 look when you --

9 A. Of course.

10 Q. -- get home?

11 A. Yes.

12 Q. I'd appreciate it very much.

13 Are you sure you looked good in your
14 briefcase? And while you're in there, look and see if
15 there are any other documents. See what else you can
16 find.

17 MR. PINKERTON: Purchase orders in there?

18 A. I have a few old expenses left over, papers
19 from my new employer, couple of car magazines. We can
20 teach you about dampening.

21 It was like four or five lines, and it was
22 like, you know, I was there and, yeah, I remember some
23 things. I mean, you know, a photographic memory? I
24 didn't put that in there. I didn't have a photographic
25 memory; but then Bill called back later and asked for me

1 to put down more. And that's where you got this
2 (indicating).

3 Q. (By Mr. Harris) I think there are only four
4 words in the motto of the United States, but that
5 doesn't make it not of interest.

6 A. Well, it was in response to a phone call that
7 was --

8 Q. Would you please take it seriously.

9 A. Well, I am taking it seriously. I think the
10 fact that I've come this far with you guys shows that
11 I'm taking it seriously. The point is it's -- like I
12 said, it's a very short version of this (indicating).
13 And he wanted more detail --

14 Q. Let me try again.

15 A. -- so I gave him more detail.

16 Q. Let me try again. Do you have any other
17 documents --

18 A. No.

19 Q. -- in your briefcase that are even remotely
20 connected --

21 A. Nothing remotely connected to Printing
22 Research --

23 Q. -- with anything --

24 A. -- or Williamson Printing.

25 Q. -- relating to Williamson or PRI?

1 A. No. Absolutely nothing, not even an old
2 business card. I searched for old expense records so
3 I'd know exactly the day I went to Atlanta, and I
4 couldn't find them. They were tossed a long time ago.

5 (Exhibit 6 marked)

6 Q. (By Mr. Harris) The document is also
7 identified as W000341 through 343, and I see you're
8 copied on it. Can you identify it for me?

9 A. It looks like a letter from John Bird to Bill
10 Davis showing what we proposed to do for them, except I
11 don't understand the graphics.

12 Q. You don't what?

13 A. That's what it appears to be.

14 Q. What are the attachments?

15 A. Well, there's a diagram of a press, which is a
16 drawing typically we gave to customers when we were
17 showing them where their equipment was going to go on
18 their press.

19 Q. It was customized in a sense, though, wasn't
20 it?

21 A. Everything we did was customized.

22 Q. For Williamson?

23 A. Everything was, for everybody.

24 Q. And if this were done for a company called the
25 Jones Company, it would say the Jones Company --

1 A. It would.

2 Q. -- up there, wouldn't it?

3 A. It would.

4 Q. And so just because you have a drawing with a
5 name of someone on it at the top does not mean that it
6 shows something that's their property? What it is is
7 something that you've customized, and it may show most
8 anything?

9 MR. PINKERTON: Objection to form and
10 objection as to leading.

11 A. Yes.

12 Q. (By Mr. Harris) Good. Well, is that a
13 five-station?

14 A. There are four printing units and a coater
15 showed, so I guess that's what --

16 Q. Well, that's maybe what he means by a
17 5 Heidelberg Speedmaster, is it?

18 MR. PINKERTON: Objection. Form and lack
19 of knowledge about Bird.

20 A. Yeah. I don't know what he meant when he did
21 this. It could be eight color with a coater.

22 Q. (By Mr. Harris) I'm asking you about the
23 drawing on the second page.

24 A. I'm showing you -- on the second page it
25 doesn't have any stations. It shows the extended

1 delivery. There were no printing units there.

2 Q. Then go back to what apparently you're calling
3 the first page.

4 A. This page shows four printing units and a stub
5 tower coater.

6 Q. That's 342, Bates Number 342.

7 A. Well, it says Press Number 1, 2, 4, and 5; but
8 it doesn't have mine numbered. But it could be a
9 four-color with a coater, could be a six-color with a
10 coater or five. But the only thing that's important is
11 what he's obviously trying to show. I mean, it's no
12 point here. It's the last units and where things are
13 going to go in the press.

14 Q. Well, what is shown, if you can tell?

15 A. Hot air knives on the last three units and then
16 hot air knives after the last unit and then an infrared
17 dryer in the delivery, and he even put Super Blue in
18 there. And if this was in color, I'm sure it would be
19 on the -- I don't know. He's got Super Blue Wash-Free
20 Anti-Marking Cylinder. I'd have to assume -- I don't
21 know where he put -- I guess he was putting it here, but
22 normally we wouldn't have one there either. But what I
23 see are hot air dryers and an infrared dryer. That's
24 what these little dots are here.

25 Q. What does the next page show?

1 A. Well, the next page, frankly, I don't
2 understand, I'll tell you right -- because it says
3 Grafix. So this was a Grafix diagram, and I don't know
4 what Mr. Bird meant by this.

5 Q. Is that a competitive company?

6 A. Yes, it is.

7 Q. Do you have any recollection of what was going
8 on here about December the 16th, '94?

9 MR. PINKERTON: Objection. Form.

10 A. No. On this (indicating)?

11 Q. (By Mr. Harris) Uh-huh.

12 A. No.

13 Q. Well, not so much on this --

14 A. The drawing?

15 Q. -- because you pointed to that last page.

16 A. On this page it was -- you know, I was probably
17 copied on this at the time. But for remembering this
18 exact document, I do not. But that's not unusual. We
19 got documents on everybody we sold stuff to.

20 MR. HARRIS: When we went through these
21 documents, one of the documents was found clipped to
22 this set I just showed him. There is a brad through 340
23 in front of 341, 342, and 343. I will show it to you.
24 We do not know whether they're for sure related or not,
25 but we note that they are the same date and perhaps the

1 same general subject matter.

2 MR. PINKERTON: You'll have to ask
3 Mr. Davis about that one. I don't know.

4 Q. (By Mr. Harris) Let me ask you if you would
5 take a look at what's been marked as 7, Plaintiffs' 7.

6 (Exhibit 7 marked)

7 Q. (By Mr. Harris) All right. You've read it
8 now?

9 A. I read it.

10 Q. Well, both Exhibit 7 -- or 8?

11 A. Seven.

12 Q. -- 7 and 6 --

13 A. I'll keep them in order now.

14 Q. -- are very similar, except 7 consists of
15 having this extra page on top of it. It was bradded
16 that way.

17 MR. PINKERTON: Objection to counsel's
18 statement.

19 MR. HARRIS: That's the way it was
20 furnished.

21 MR. PINKERTON: I understand, but I'm
22 objecting to your statement about the similarity.
23 Okay?

24 MR. HARRIS: I'll take that up with him
25 shortly.

1 MR. PINKERTON: Okay. Looking at the two
2 documents, they don't belong together. I think it was a
3 mistake in the way they were reproduced.

4 MR. HARRIS: Mr. Pinkerton, you could be
5 right, but you could be very wrong.

6 MR. PINKERTON: We're going to check it
7 out.

8 MR. HARRIS: You could be very wrong.
9 Well, lots of luck.

10 MR. PINKERTON: Well, you'll have the
11 opportunity to depose Mr. Davis. He's the one to ask
12 about this rather than this witness.

13 MR. HARRIS: Well, this witness' name is
14 on this document.

15 MR. PINKERTON: It's not on 7.

16 MR. HARRIS: No, not on both of them, but
17 it is on the other one. And if they were together --

18 MR. PINKERTON: You have no knowledge of
19 it.

20 MR. HARRIS: Yeah.

21 Q. (By Mr. Harris) Do you see any connection
22 between these two documents? They're on the same date,
23 and we did find them together; but that's all I can tell
24 you.

25 A. I've never seen this top document before.

1 MR. PINKERTON: And I'm going to object.
2 Total lack of knowledge. Objection as to form and lack
3 of foundation.

4 MR. HARRIS: Well, I think he's already
5 answered like you wanted him to anyway, Mr. Pinkerton.

6 A. I would have no way of knowing. I mean, I've
7 never seen this before. This is --

8 Q. (By Mr. Harris) Well, you either know --

9 A. -- from Bill to Jerry.

10 Q. -- or you don't or you've forgotten or
11 anything. Who knows what.

12 A. I've never seen it before.

13 Q. We'll go along with that. If you don't know,
14 well, say so.

15 A. I can tell you I don't know and I've never seen
16 it before.

17 Q. Okay.

18 MR. PINKERTON: We can avoid wasting a lot
19 of time that way.

20 MR. HARRIS: We don't aim to do that
21 either. We don't aim to waste it, nor do we aim to
22 avoid it.

23 MR. PINKERTON: I know you're going to
24 avoid wasting time.

25 (Exhibit 8 marked)

1 Q. (By Mr. Harris) We have now marked Exhibit 8,
2 which is Bates 394 through 400. Please examine it and
3 let me know if you can identify it. If so, tell me what
4 it is.

5 A. It's a proposal from me to Jesse Williamson for
6 a coater.

7 Q. Okay. What kind of coater, and what was the
8 occasion?

9 A. Super Blue EZB, as we called it in those
10 days -- blanket coater. EZB means EZ Blanket Coater.
11 And that was the first one, the one we were going to
12 build. And this was the agreement or the proposal for
13 them to buy copies thereof, I mean.

14 Q. That's on 398, the page that's numbered 398?

15 A. Oh, I see. 396, 397, 398.

16 Q. That's the proposal?

17 A. Yeah. I see your numbering.

18 MR. PINKERTON: And the question about
19 that was what, Bill? I'm sorry.

20 MR. HARRIS: I was just trying to get
21 straightened out on what the proposal was.

22 A. The summary of the proposal is Page 398, yes,
23 where we get down to how much is it going to cost.

24 Q. (By Mr. Harris) Then there's another proposal,
25 apparently, on 400. Can you tell me the relation?

1 A. It looks like we broke it out -- these may be
2 out of order -- so that they would know what the
3 equipment was without spare parts. I think they're just
4 out of order, but usually the summary came last.

5 Q. Was this coater -- well, let me put it
6 differently. Where was this coater meant to be mounted?

7 A. In this instance -- this was the first one, and
8 we were going to mount it -- let me look to make sure.
9 Yeah. We were going to mount it on the latter units of
10 the press -- not on the first, but at the back of the
11 press.

12 Q. The back on the unit?

13 A. Uh-huh.

14 Q. And was this actually sold and installed?

15 A. "Sold" meaning Printing Research -- I don't
16 know if they ever collected money for this one, but I
17 remember seeing it installed. Yes.

18 Q. Or I'll just make it delivered and installed --

19 A. Delivered and installed, yes.

20 Q. -- because I think you've got a good point.

21 Did Printing Research get any money for it?

22 A. That, I do not know.

23 Q. Hear any rumors about it one way or another?

24 A. Not -- no. Not -- there was a lot of R&D going
25 on at Williamson Printing between Printing Research and

1 Williamson Printing.

2 Q. A lot of what?

3 A. A lot of -- there was R&D going on with
4 different projects.

5 Q. What -- did this installation occur? Do you
6 know that?

7 A. I remember seeing this installed on the press
8 at Williamson. Yes.

9 Q. And was it run?

10 A. I remember seeing it run, yes.

11 Q. And was it run for some customer to view or
12 demonstrate to some customer of Williamson and/or PRI?

13 A. I remember seeing it run for testing at PRI.
14 Whether or not it was actually run for a customer's
15 benefit, I don't know. I don't recall.

16 Q. Was this a test for the convenience of PRI?

17 MR. PINKERTON: Objection. Lack of
18 foundation, form. Object to the form of the question.

19 A. I wouldn't use the word "convenience." I think
20 it was necessary.

21 Q. (By Mr. Harris) What was the purpose then?

22 A. For testing to see if it was going to work and
23 indeed do what Williamson wanted it to do.

24 Q. Did Printing Research not have an interest in
25 what it would do?

1 A. Of course we did. We couldn't sell it if it
2 didn't work.

3 Q. So both had an interest?

4 A. Yes.

5 Q. And how did it work with this rear mount
6 coater?

7 MR. PINKERTON: Objection as to form as to
8 the description of rear mount coater. I don't know what
9 you're talking about.

10 Q. (By Mr. Harris) Do you know what I'm talking
11 about?

12 A. I'm assuming you're talking about this coater
13 mounted in the -- on one of the latter units of the
14 press and not the first.

15 Q. Yes.

16 A. As I recall, it did work well.

17 Q. Did?

18 A. Well, being past tense, yeah.

19 Q. Okay. Was it run with a two-pass manner; that
20 is, first a flexographic and then run through on the
21 lithographic units?

22 A. To the best of my recollection, the first run
23 was obviously just the coater. And then I'm not sure,
24 but I vaguely remember trying to trap -- them trying
25 to -- Ron Rendleman and the other people there trying to

1 trap the color in the litho process. "Trapping"
2 meaning -- that's a term for laying down ink unit to
3 unit so -- all at one time or all in the same pass.

4 Q. Even though it was on -- the flexographic plate
5 was on a latter unit?

6 A. Uh-huh.

7 Q. Well, tell me in a little more detail, the best
8 you can remember, just how it was run.

9 MR. PINKERTON: Objection as to form.
10 Vague and ambiguous as to time and place.

11 A. I don't remember exactly what the form looked
12 like. I couldn't tell you that. I just remember the
13 fact that we did it and the thing worked. I mean, it
14 put down ink, and they were able to dry it.

15 Q. (By Mr. Harris) Do you have any strong
16 feelings about whether this was a single-pass or a
17 double-pass experiment?

18 MR. PINKERTON: Objection as to form and
19 as to the time as to what you're talking about.

20 MR. HARRIS: We're talking about the same
21 unit that we've been talking about for the last five or
22 ten minutes.

23 MR. PINKERTON: I still haven't figured
24 out when it was.

25 A. Initially it was one pass with that unit only,

1 is the way I remember, to see if it worked.

2 Q. (By Mr. Harris) Okay. Just the flexographic
3 plate?

4 A. Just to see if the thing would work. Yes.

5 Q. And then what happened? Do you remember?

6 A. Then I recall that we did -- I thought we tried
7 it. I could be wrong, obviously. But I thought we
8 tried to trap flexo on top of some litho ink in that
9 position to see if it would work. I don't know if it
10 was any more than a test, but --

11 Q. You tried to trap -- what is that? Tell me
12 again about trapping.

13 A. Tried to print flexo ink on top of litho ink in
14 one pass as a test.

15 Q. Okay.

16 A. I may be wrong about that.

17 Q. Instead of the flexo being on the bottom --

18 A. It would have been on the top.

19 Q. Huh? I see.

20 A. Yeah.

21 Q. You're sure of the first part but --

22 A. I'm not so sure about the second one because I
23 wasn't there during all the testing.

24 Q. Okay. Was there enthusiasm?

25 A. There was a lot of enthusiasm, I would say.

1 Q. By both companies?

2 A. Definitely by Printing Research, and I think
3 Williamson -- Bill Davis seemed pleased at the time,
4 so --

5 (Exhibit 9 marked)

6 Q. (By Mr. Harris) After you look at it, and if
7 you're able to, please identify Exhibit 9 for me.

8 A. I don't recall this document. That doesn't
9 mean anything. I was probably copied on it, but I don't
10 remember.

11 Q. Now, you are copied on the top sheet --

12 A. Yeah.

13 Q. -- though I don't know whether you got it or
14 not.

15 A. It says I was copied but -- I'm sure I was.
16 There were lots of paperwork, documents. And this one
17 is obviously from John Bird to Jesse.

18 Q. I note that it refers to an experimental
19 EZ interstation flexo printer coater. Do you notice
20 that?

21 A. Uh-huh.

22 Q. Does that refresh any memory as to what was
23 being dealt with here?

24 MR. PINKERTON: Objection as to form.
25 Total lack of knowledge of this witness to answer

1 questions about this document and what was in --

2 MR. HARRIS: You don't know whether he has
3 a total lack of knowledge or not.

4 MR. PINKERTON: That's the objection.

5 MR. HARRIS: Okay.

6 MR. PINKERTON: The objection is that he
7 says he doesn't remember this. He didn't write it. He
8 was copied on it. It's unfair to ask him any questions
9 about it, and I'm objecting to it.

10 MR. HARRIS: It's not unfair, and I'm
11 asking it.

12 A. I don't recall this document and --

13 Q. (By Mr. Harris) Did you hear my question? It
14 didn't say much about the document. It said there was a
15 phrase in the document --

16 A. Oh.

17 Q. -- about an experimental EZ interstation flexo
18 printer coater. And I merely asked if that helped for
19 you to know what was going on along about this period of
20 time. That's what I asked.

21 A. Oh, okay. Then I will say yes.

22 Q. And what was, as that recollection comes to
23 you?

24 MR. PINKERTON: Objection as to form in
25 terms of going on about this particular time. I don't

1 know what you mean by what was going on about this
2 particular time.

3 MR. HARRIS: About February the 16th of
4 1995.

5 MR. PINKERTON: In regard to an
6 experimental EZ interstation flexo printer?

7 MR. HARRIS: Yes. Printer coater.

8 MR. PINKERTON: Printer coater. Excuse
9 me.

10 Objection to form. It's so vague and
11 ambiguous that it's unfair for the witness to answer.
12 So the objection will stand.

13 A. I don't know what John Bird had in mind when he
14 wrote this, I mean.

15 Q. (By Mr. Harris) I really couldn't care less
16 what he had in mind.

17 A. Well, I know.

18 Q. What I'm trying to do is what you had in mind.

19 A. To figure out what -- I mean, I can read it now
20 and tell you what I think it pertained to, and it
21 pertained to building one to go on the front of the
22 press, not on the back -- the same coater as described
23 in the January 25th document, Exhibit 8. I don't guess
24 it would be the same. They're different devices going
25 in different places, and the price is different, but --

1 MR. PINKERTON: Object to speculation by
2 the witness --

3 THE WITNESS: That's all it is.

4 MR. PINKERTON: -- as to what it is.

5 Q. (By Mr. Harris) Would that fit about this
6 period of time? And that's February of '95.

7 A. I would say yes.

8 MR. HARRIS: I'm getting, oh, within a
9 half an hour, I think; but I need a break to go a little
10 faster.

11 MR. PINKERTON: Okay. I want to know for
12 the record, Bill, that -- now, here is your Exhibit
13 Baker 9.

14 MR. HARRIS: Is that the one I said we had
15 a bradded copy on?

16 MR. PINKERTON: No. This was another one,
17 Baker 9. Now, Baker 9 has got a bradded copy, and
18 attached to it is a document that is from Wolstenholme.
19 Now, 9 is the letter from Bird to Williamson,
20 February 16, '95. Attached is a letter from
21 Wolstenholme. And that's another example --

22 MR. HARRIS: Well, you know something? As
23 that old joke lines up --

24 MR. PINKERTON: Let me finish my --

25 MR. HARRIS: As that old joke lines up --

1 MR. PINKERTON: I want to finish my --

2 MR. HARRIS: -- they're your dirty
3 pictures.

4 MR. PINKERTON: I want to finish my
5 statement. There's nothing dirty about it. It's a
6 mistaken copy, so I just wanted to point that out to you
7 for the record.

8 MR. SWEENEY: Are they the same
9 consecutive Bates label numbers?

10 MR. PINKERTON: Yeah, they were right
11 after each other.

12 MR. SWEENEY: So your statement is --

13 MR. PINKERTON: It appears to me to be --

14 MR. SWEENEY: -- they should not have been
15 stapled together?

16 MR. PINKERTON: Yeah. I'm sure a
17 mistake -- we've got -- obviously, Bird is not attaching
18 a letter from Wolstenholme.

19 MR. HARRIS: Yeah. This is --

20 MR. PINKERTON: That was sent the next day
21 from a lady in --

22 MR. HARRIS: What is that? A German
23 company?

24 MR. WILSON: You're just objecting to the
25 last page of it? You're not objecting to the rest of

1 it, though?

2 MR. HARRIS: John, is this a German
3 company?

4 MR. PINKERTON: English -- English
5 company.

6 MR. FALK: English --

7 MR. PINKERTON: English.

8 MR. HARRIS: English?

9 MR. PINKERTON: It's another company and
10 the following day, and it's attached together.

11 MR. SWEENEY: Can you tell for a fact if
12 any part of it was stapled together originally since it
13 is consecutively Bates labeled?

14 MR. PINKERTON: Oh, I think that the Bird
15 document should be from W000425 through 429.

16 MR. WILSON: I don't have a problem with
17 that, if they want to take that last page of the
18 exhibit.

19 MR. HARRIS: I think if you want to remove
20 the last page, we would all agree to it. I don't have
21 any problem with that.

22 MR. FALK: I think that that would be in
23 order.

24 MR. PINKERTON: That's appropriate.

25 MR. HARRIS: When they're your dirty

1 pictures, you've got to clean them up.

2 MR. FALK: I don't see anything dirty in
3 those pictures from Printing Research on the last page
4 from Wolstenholme.

5 MR. PINKERTON: Bird wrote a letter from
6 Printing Research and --

7 MR. HARRIS: You don't recall that old
8 joke?

9 MR. FALK: No. But unless the lady had a
10 time machine when she wrote that thing --

11 MR. PINKERTON: She's in a time warp.

12 MR. FALK: Unless she had a time warp to
13 go back in time --

14 MR. PINKERTON: They probably were -- no.
15 They might have been a day ahead --

16 MR. FALK: No. They're later. So unless
17 she had a time machine to go back in time --

18 MR. PINKERTON: So you're going to pull
19 that off of there?

20 MR. WILSON: Yeah. For the record, then,
21 Exhibit 9, the last page of the original exhibit,
22 W000430, has been removed. So Exhibit 9 is now W000425
23 through 429.

24 MR. PINKERTON: Right. I thought we ought
25 to point that out to clarify that.

1 MR. HARRIS: It's okay.

2 MR. PINKERTON: Thanks. Okay.

3 (Recess taken)

4 Q. (By Mr. Harris) Your declaration -- what is
5 that? Two?

6 A. I'm getting back there to my artwork.
7 Declaration. Yes.

8 Q. Referring to Paragraph 12 that we looked at
9 previously on Page 5, you make the statement that the
10 invention of the process of the captioned '363 patent,
11 which was disclosed to me in July 1994 in Atlanta -- do
12 you see that?

13 A. Yes.

14 Q. Before that, in that same Paragraph 12, you
15 say, Their prior development of the WIMS process, and
16 then you say, as described to me in 1994. Do you see
17 that?

18 A. Uh-huh, yes.

19 Q. Is the process of the captioned '363 patent
20 you're referring to, as you understand it, the same as
21 was described to you in 1994 in Atlanta in the third
22 line of that paragraph?

23 MR. PINKERTON: Where it says, prior
24 development of the WIMS process? Is that what we're
25 talking about?

1 MR. HARRIS: I'm talking about what I
2 said.

3 MR. PINKERTON: Well, it was confusing to
4 me.

5 MR. HARRIS: Do you -- I'm not sure I can
6 do it. I can have it all read back, if you like.

7 MR. PINKERTON: Yeah, let's do.

8 (Requested text read back)

9 MR. PINKERTON: Objection as to form.
10 Confusing and ambiguous.

11 Q. (By Mr. Harris) Is it?

12 A. At the time I gave him the statement, yes, I
13 thought that was true.

14 Q. You thought what I asked you, you thought the
15 answer was, yes, that was true at the time I gave the
16 statement?

17 A. Right, right.

18 Q. Did there come a time when you changed your
19 mind?

20 A. During these proceedings today, I realize that
21 there was a WIMS patent and then there was an
22 improvement; but at the time I gave this statement, I
23 only knew about one process. And through the
24 conversations with Jesse and Bill Davis on this trip, I
25 thought it included flexographic inks being put down

1 with lithographic inks because that's what we talked
2 about.

3 Q. You thought what included that?

4 A. I thought that the WIMS process that we were
5 talking about included the laying down of flexographic
6 inks with lithographic inks because that --

7 Q. When did you -- and you came to believe the
8 contrary today?

9 A. Through these proceedings that there was --

10 Q. Who told you?

11 A. Who?

12 Q. Yeah.

13 A. The conversations in this room.

14 Q. Mr. Davis?

15 A. That there was --

16 Q. Did Mr. Davis straighten you out?

17 A. No.

18 Q. Who did?

19 MR. PINKERTON: He didn't say anybody
20 straightened him out. He said conversations in this
21 room. Your question is where you've talked about it.

22 MR. HARRIS: I didn't know I was that
23 good.

24 A. Well, you said WIMS-1 and WIMS-2, so there has
25 to be two.

1 Q. (By Mr. Harris) You didn't discuss that with
2 anybody?

3 A. No, I did not. You asked me did I believe this
4 now. This moment? No. But when I did this
5 (indicating), I believed that there was WIMS, period.
6 And the one -- they were one and the same because the
7 conversations I had with Jesse and Bill in Atlanta led
8 me to believe that their process included flexographic
9 inks and lithographic inks in the same pass.

10 Q. So you were confused when you took this
11 affidavit?

12 A. Obviously.

13 Q. And I'm very sincere. If someone here has
14 helped you today to get to know that distinction, okay,
15 but I want to know who it was. And I ask you now under
16 oath to tell me if anybody has helped you on that
17 point.

18 A. No. It was your conversation with other people
19 about WIMS-1 and WIMS-2.

20 Q. Only that?

21 A. That is enough for me to understand that
22 there's more than one.

23 Q. And would you agree with me a step further --
24 or put it this way: What is the process of the '363
25 patent? You've never read it before?

1 A. I've never seen it before.

2 Q. You don't know --

3 A. The only thing I know about '363 is the fact
4 that it has to do with the WIMS process.

5 Q. Whatever that is?

6 A. Well, I thought I knew what the WIMS process
7 was, and that's metallic inks and litho inks in the same
8 pass on a press. I mean, that's what -- I had Printing
9 Research -- went back to Printing Research with that
10 information to build equipment to do that, so there was
11 no reason for me to assume anything else ever.

12 Q. Maybe you're an inventor?

13 A. Maybe. But I didn't --

14 Q. Let's table that one for a minute.

15 MR. SWEENEY: Off the record.

16 (Discussion off the record)

17 Q. (By Mr. Harris) Is it your understanding, as I
18 seem to be reading out of the affidavit, on Page 2,
19 Paragraph 5, that there was an obligation on the part of
20 Williamson to buy a set amount of equipment from
21 Printing Research?

22 A. Yes.

23 Q. How did you come to believe that?

24 A. I was told that.

25 Q. By who?

1 A. John Bird initially and Steve Garner. It might
2 have been together or separate, but I remember the day
3 they told me.

4 Q. Where you say in that same Paragraph 5, I was
5 informed of Williamson Printing Corporation's
6 proprietary WIMS process concerning the printing of
7 metallic inks and was informed by Jesse Williamson and
8 Bill Davis that a patent application was pending --

9 A. That's correct.

10 Q. -- concerning the WIMS process?

11 A. Right.

12 Q. Do you still believe that to be true after
13 today?

14 A. At that time? Yes.

15 Q. Today?

16 A. After --

17 Q. Today do you believe that?

18 A. Today do I believe that?

19 Q. Huh?

20 A. At that time I still thought that that was
21 pending. And today -- well, now I'm not so sure if it
22 was or not. The date on that one you showed me was much
23 later than this.

24 Q. It wasn't pending, was it then? It had a date
25 much later, like you said?

1 A. I was told that they were working on a patent
2 and that would tell me that it was pending.

3 Q. Well, you used the word "pending," didn't you,
4 or is that Mr. Falk's word? That's Mr. Falk's word,
5 isn't it?

6 A. I actually probably said pending.

7 Q. Did you? You thought then -- --

8 A. To the best of my recollection, I did.

9 Q. -- it was already filed?

10 A. Yes, that it had been filed at the time we were
11 talking to them because it was described to me as a
12 WIMS -- a Williamson patented process.

13 Q. Uh-huh. And then you make some reference in
14 that same paragraph to Rolex watch advertisements and
15 the brilliance of the gold and silver. You don't know
16 by what process that was accomplished, do you?

17 MR. PINKERTON: What paragraph is that,
18 Bill?

19 MR. HARRIS: It's Paragraph 5,
20 Mr. Pinkerton, the last five lines.

21 A. My understanding of that process was that it
22 was flexo ink put down with litho ink, and it was a part
23 of the process where you would have gold and silver.
24 They used flexo gold and silver, so you had more
25 brilliance or at least a better holdout.

1 Q. (By Mr. Harris) And you thought that was done
2 in 1994?

3 A. I was given samples in -- sometime around that
4 time of what they wanted to do. Now, whether they were
5 done in one or two passes, I can't tell you.

6 Q. You're talking about --

7 A. Those are the samples I took back to Printing
8 Research.

9 Q. I'm sorry. You're talking about Atlanta in
10 Paragraph 5, aren't you, down here? I recall being
11 shown some Rolex watch advertisements?

12 A. Yes, I do recall --

13 Q. Then Jesse even picked up the meal, it said?

14 A. Well, yeah. But there's two -- two different
15 thoughts in that. One was in Atlanta, and one was in
16 Dallas.

17 Q. That's kind of confused, wasn't it, sir?

18 MR. PINKERTON: Objection. When you say
19 what -- what's confused? Object to form. I don't know
20 what you're talking about, what sentence.

21 A. There's a lot of things --

22 Q. (By Mr. Harris) Do you have any problem, sir,
23 understanding the word "confusion"?

24 A. I do not.

25 Q. Do you agree with me that that's confused,

1 those two statements put right together and then Jesse
2 paying for dinner? That was in Atlanta you were talking
3 about, wasn't it?

4 MR. PINKERTON: Objection as to form and
5 argumentative.

6 A. Yeah, it is. The dinner was paid for in
7 Atlanta.

8 Q. (By Mr. Harris) It was in Atlanta at the steak
9 house, wasn't it --

10 A. That's right.

11 Q. -- where he paid?

12 A. That's right. So should we circle that --

13 Q. But he wasn't shown Rolex watch advertisements
14 there, right?

15 A. No, he was not.

16 Q. Now, that's some later time, and you don't know
17 when; isn't that true?

18 A. Probably within a week to 10 days. No more
19 than a month.

20 Q. Where were you?

21 A. We were in Dallas when those were showed to me.

22 Q. Tell me where and when and who.

23 A. The best of my recollection, I was given them
24 at Williamson Printing, and I took the samples back to
25 Printing Research.

1 Q. What persons were involved?

2 A. I know John Bird was involved.

3 Q. What other persons?

4 A. I don't recall anyone else.

5 Q. Now, did you have discussions with Jesse
6 Williamson and Bill Davis about the Rolex watch
7 advertisements that was in confidence?

8 A. I don't know if those -- confidence came up in
9 those conversations, but obviously my interest was in
10 how well that looked, and that was their process -- and
11 being able to sell them something to do that, yes.

12 Q. Did you understand that was a two-pass process,
13 or did you know at all?

14 A. I did not know at that time.

15 Q. Would you take the position that flexographic
16 plates were old or new?

17 MR. PINKERTON: At what time? Objection
18 as to form as to the time period we're talking about.
19 And if you're talking about a specific statement in the
20 declaration, Counsel, I'd appreciate it if you could
21 point it out to him.

22 MR. HARRIS: Well, really I'm trying to
23 find something out to our witness' knowledge right now.
24 There is a statement in there about flexographic plates,
25 but it's not a date-type statement. And I just wonder

1 what the witness knows about it. I can put it a little
2 different.

3 Q. (By Mr. Harris) In 1991 you knew about
4 flexographic plates, didn't you?

5 A. Of course. I knew about them in 1970.

6 Q. They're old, aren't they, no matter what your
7 attorney --

8 A. I didn't understand your question.

9 Q. I'm sorry. You're not --

10 A. Sorry. You didn't make yourself clear. I
11 didn't understand your statement -- or your question.

12 Q. It says in your statement, under Paragraph 6,
13 that a number of companies sold high-resolution plates
14 which work their new process. I just have to ask you:
15 Are high-resolution plates unusual, or were they at that
16 time?

17 A. At that time they were relatively new in the
18 flexo industry. "High resolution" meaning relative to
19 what?

20 Q. Did Mr. Davis and/or Mr. Jesse Williamson
21 invent high-resolution plates?

22 A. No, not that I know of.

23 Q. Do you remember any tests that were conducted
24 at Printing Research involving a company called Rexham?

25 A. No, I do not.

1 Q. Not at all?

2 A. No.

3 Q. You don't even remember having a steak dinner
4 after they were in town?

5 A. I don't remember Rexham.

6 Q. Do you remember a company coming into Dallas --
7 scrub what I was trying, and I'll try it again.

8 Do you recall some company coming into
9 Dallas in October, fairly late October of 1994, to
10 witness a test put on by Printing Research?

11 A. I do not.

12 Q. And if I said that test had to do with laying
13 down gold, that wouldn't help, huh -- or silver or
14 candy?

15 A. No, it doesn't ring a bell.

16 MR. HARRIS: Okay. I'd like for you to
17 bear with me for about five to ten minutes to talk with
18 cocounsel and my client to see if I can get out of
19 here. Okay?

20 MR. PINKERTON: You bet.

21 MR. HARRIS: Off the record.

22 (Recess taken)

23 (Mr. Wilson left deposition proceedings)

24 Q. (By Mr. Harris) Mr. Baker, you obviously are
25 acquainted with Mr. Bird and with Mr. Garner, right?

1 A. Right.

2 Q. They were both former employees -- they are
3 both former employees?

4 A. That's correct.

5 Q. Printing Research?

6 A. That's correct.

7 (Mr. Wilson entered deposition
8 proceedings)

9 Q. (By Mr. Harris) You also, I believe, are
10 acquainted with Mr. Brown, who's also the deponent
11 witness, like yourself. Are you acquainted with him?
12 Do you remember him?

13 A. I do not recall Mr. Brown.

14 Q. Just in case it would refresh your
15 recollection, he has a position or is a representative
16 for Heidelberg USA.

17 MR. WILSON: First name, Scott.

18 A. Oh, Scott Brown with Heidelberg? I know Scott
19 Brown with Heidelberg. Yes, I do.

20 Q. (By Mr. Harris) Okay. With those three
21 people, have you had any discussion, either by phone or
22 personally or E-mail or any means whatsoever, about this
23 case?

24 A. No.

25 Q. Who have you had discussion with about this

1 case?

2 A. The only people that know about this are the
3 people that have to, such as my employer. And they
4 don't have any more detail than they need for me to be
5 gone the times I've been gone to take care of this or to
6 have phone conversations or whatever pertaining to
7 this. And my wife.

8 (Recess taken)

9 Q. (By Mr. Harris) Is it fair to say that when
10 you answered my question about this case, that you also
11 considered this so-called reissue that we've talked
12 about and anything having to do with this controversy
13 that you're testifying about today?

14 A. That's -- yeah.

15 Q. Do you plan presently to have any conversations
16 after this deposition with any of those persons about
17 any subject matter of the depositions or case?

18 A. No.

19 Q. Do you have any agreement one way or another
20 about appearing at trial in this case?

21 A. No.

22 (Exhibit 10 marked)

23 Q. (By Mr. Harris) Would you please direct your
24 attention to Page 14. First, I'll note for you that
25 this is a pleading from the case. It's Defendants'

1 Responses to Plaintiffs' First Request for Admissions.
2 And the response -- I have a question about one of the
3 responses on Page 14. I understand -- I know this isn't
4 your response, but this is the Defendants' response in
5 the case.

6 It says, Subject to, and without waiving,
7 the general objections, Defendants respond as follows:
8 Defendants deny that they withheld any information from
9 PRI about the issuance of the '363 patent. Defendants
10 admit that Bill Davis and Jesse Williamson informed
11 Steve Baker and John Bird in January 1995 WPC was going
12 to file a patent application on its '363 process and
13 that neither they nor anyone else at PRI subsequently
14 inquired about the status of the application.

15 Now, my question simply is to check on
16 your memory on what is stated there. Do you recall
17 being told anything by Bill Davis and/or Jesse
18 Williamson about WPC filing a patent application on this
19 '363 process?

20 MR. PINKERTON: Counsel, I want to object
21 because you're asking him about Williamson's responses
22 to request for admission. Obviously, he didn't prepare
23 these, and they're written in language using Defendants
24 and that type of thing and objections. It's confusing
25 to him, I think -- a document he's never seen before

1 prior to today, I'm sure. And I think that that is
2 improper to ask it in that context.

3 So I'll object to the fact that you're
4 asking him about a document he's never seen before,
5 statements in a document that he's never seen before,
6 and object to the form of the question on that basis.

7 Q. (By Mr. Harris) What do you say?

8 A. In response to where it says, Defendants admit
9 that Bill Davis and Jesse Williamson informed Steve
10 Baker and John Bird in January of '95 that WPC was going
11 to file a patent application for '363, I -- from this
12 statement, I thought that was understood. That was the
13 patent that we're always talking about and that it was
14 either pending or they were going to file it; but at
15 that point --

16 Q. You haven't answered my question.

17 A. Well, I answered it as well as I can, I think,
18 because I didn't --

19 MR. HARRIS: Well, why don't we strike --

20 A. I wasn't there.

21 MR. HARRIS: -- that as nonresponsive.

22 THE WITNESS: That's fine.

23 Q. (By Mr. Harris) I would like for you to answer
24 the question. The question is: Do you have a
25 recollection of that happening? It's a simple

1 question.

2 A. I do remember them talking about their patent.

3 Yes.

4 Q. So what did they say?

5 A. In exact words, I don't remember.

6 Q. And when was it?

7 A. It would have been January. It would have been
8 after December, so it would have been January of '95.

9 Q. I thought that you didn't know whether or not
10 there was a patent application filed all the way back to
11 July of 1994.

12 MR. PINKERTON: Objection. Argumentative
13 and --

14 Q. (By Mr. Harris) Isn't that true?

15 MR. PINKERTON: Objection. Argumentative
16 and contrary to his testimony.

17 Q. (By Mr. Harris) Isn't that true?

18 A. My testimony, it was a January '94 patent.

19 Q. January '94 what?

20 A. I'm sorry. Not January. February of '94 --
21 February -- December of '94. Let's get my months
22 straight. I was -- understood a patent was pending.
23 And so, you know, this statement, as far as I'm
24 concerned, could be true. They talked about what they
25 were doing, to John and I. So in that context, I'd say

1 that's true.

2 Q. Are you saying it could be true or it is true?
3 Do you know whether or not that's true?

4 A. In my mind, I'm saying that's true, based on
5 the statement I've already given.

6 Q. And that's what?

7 A. You can't read the statement?

8 Q. What part of the statement?

9 A. Item 12 that we've gone over 800 times.

10 Q. Well, let's go over it 801 times.

11 MR. PINKERTON: Paragraph 10 is where you
12 talk about it in your declaration.

13 MR. HARRIS: Counsel --

14 A. It was 10. Sorry.

15 Q. (By Mr. Harris) Your lawyer is a big help.

16 MR. PINKERTON: He referred to the
17 declaration. And I'm not his lawyer, but that's where
18 it is. You want the facts? Let's get the facts out
19 here and don't confuse him. There was a problem about
20 the --

21 MR. HARRIS: Don't -- don't --

22 MR. PINKERTON: You referred to patents --
23 you referred to nomenclature that he's never used, and
24 you throw patents --

25 MR. HARRIS: And you said that before.

1 MR. PINKERTON: -- in front of him that he
2 hasn't seen before.

3 MR. HARRIS: You said that before.

4 MR. PINKERTON: That's why you created the
5 confusion.

6 A. And I don't know anything about the response
7 because I wasn't there.

8 Q. (By Mr. Harris) You weren't where?

9 MR. PINKERTON: What response? You mean
10 that document? You didn't prepare that?

11 A. I didn't prepare this. I wasn't any part of
12 it. And to me it's all the same. If they say they have
13 a patent pending, they have a patent pending or they're
14 filing one. And for them to tell me they're going to
15 file one -- at that point I didn't really care as long
16 as I sold them something. That was my job.

17 My job wasn't a point of law or point of
18 patent law because I'm not an attorney. If I wanted to
19 be an attorney, I would have gone to law school and
20 became an attorney and then maybe have worried about
21 it. But at that point I have no comment other than that
22 that could be true.

23 MR. HARRIS: Well, I move to strike all
24 that other as nonresponsive.

25 Q. (By Mr. Harris) It could be true is what you

1 said, isn't it?

2 A. It could be, yes.

3 Q. Is it possible they could also be mistaken?

4 MR. PINKERTON: Objection as to form
5 and --

6 A. I don't know what they were thinking.

7 Q. (By Mr. Harris) Could there be -- all I said
8 is is it possible they could be mistaken. You tell me
9 it could be true, right?

10 MR. PINKERTON: Objection as to form and
11 lack of knowledge as to what they might be thinking.

12 A. Yeah. I don't know what they're thinking.
13 That's my answer.

14 Q. (By Mr. Harris) You don't know what they're
15 thinking, I guess, means that you don't know whether
16 they're stating what happened or not, huh?

17 MR. PINKERTON: Objection to form.
18 Argumentative and contrary to what he's already
19 testified about.

20 A. I don't have one opinion on that one way or the
21 other, other than what I've already said. To me it was
22 all the same. A patent was pending or they're going to
23 file another one. It was all the same to me. In '95 --
24 in January of '95, if they told me they were doing that,
25 I am assuming at that point it is the one we have

1 already talked about in '94 and it just had not been
2 filed yet.

3 Q. (By Mr. Harris) They didn't say the '363
4 process, did they?

5 A. They never named them by number because I
6 probably didn't need to know the numbers.

7 Q. Did they give you a description of it or show
8 you any --

9 A. No.

10 Q. -- claims or a statement?

11 A. No.

12 Q. Did you tell anyone else in the company, like
13 Mr. DeMoore or anyone else?

14 A. I don't recall.

15 MR. HARRIS: I have no further questions.

16 MR. PINKERTON: I've just got a few
17 follow-ups here.

18 EXAMINATION

19 BY MR. PINKERTON:

20 Q. Prior to the deposition -- had you ever heard
21 the terms WIMS-1 and WIMS-2 prior to this deposition
22 today?

23 A. No, I had not.

24 Q. You had talked about a meeting in Atlanta,
25 Georgia where you had dinner with Bill Davis and Jesse

1 Williamson?

2 A. Right.

3 Q. They explained to you about a process that they
4 were going to -- that they wanted to use, which would
5 have flexography upstream and a lithographic press and a
6 continuous in-line process; is that correct?

7 A. That's correct.

8 Q. And Mr. Harris showed you a patent, which is
9 the '363 patent, which I believe is Baker Exhibit 1.
10 And we can get that.

11 A. This one (indicating)?

12 Q. Yes. And is it your understanding that that
13 is -- even though you never read it, is it your
14 understanding now that that patent, Baker Exhibit 1, is
15 on this new process that was described to you in Atlanta
16 by Bill Davis and Jesse Williamson?

17 A. It is now.

18 MR. HARRIS: Objected to as incredibly
19 leading.

20 MR. PINKERTON: I've got the right to lead
21 the witness. You know, he was your --

22 MR. HARRIS: He's a hostile witness to me,
23 and you know it.

24 MR. PINKERTON: He's your employee. He's
25 not hostile at all. He's here --

1 MR. HARRIS: He's not our employee.

2 MR. PINKERTON: He's a fact witness. He
3 worked for you for, what, eight years.

4 MR. HARRIS: Yeah. And he doesn't
5 anymore, does he? He's a --

6 Q. (By Mr. Pinkerton) In your declaration --

7 MR. HARRIS: He's a hostile witness, and
8 I'll take that position.

9 Q. (By Mr. Pinkerton) Okay. In your declaration,
10 Paragraph 12 -- I took yours. Excuse me -- you refer to
11 the process of the captured -- of the captioned '363
12 patent at the time that you signed the declaration. Was
13 it your understanding from Mr. Falk -- that's the first
14 you had heard about the '363 patent, I take it?

15 A. Right. I didn't know what the number of it
16 was.

17 MR. HARRIS: Objected to as leading, once
18 again, on the same theory.

19 Q. (By Mr. Pinkerton) And on the '363 patent in
20 your discussion with Mr. Falk, what was your
21 understanding about what process it covered?

22 A. Flexo and litho together.

23 Q. And when was that described to you?

24 MR. HARRIS: Objected to as vague and
25 indefinite.

1 Q. (By Mr. Pinkerton) Is that -- the process was
2 described by Jesse and Bill in Atlanta?

3 A. That's right, it was. They didn't do that on
4 the point for buying the equipment --

5 Q. Okay. So using Mr. Harris' terminology, then,
6 let's call that the WIMS-2 process. Okay?

7 A. That straightens it out.

8 Q. Is that fair?

9 A. That's fair.

10 MR. PINKERTON: Okay. Now, I want to mark
11 a patent, Patent Number 5,370,976, produced with Bates
12 Numbers W001119 through 1126. Mark that as Baker
13 Exhibit 11.

14 (Exhibit 11 marked)

15 Q. (By Mr. Pinkerton) Let me show you what's been
16 marked as Baker Exhibit 11.

17 MR. HARRIS: It's Davis? It's Davis or is
18 it Williamson?

19 MR. PINKERTON: It's a Williamson patent.
20 Yeah.

21 MR. HARRIS: I've read it.

22 MR. SWEENEY: '976.

23 MR. PINKERTON: Yeah. Did I misstate the
24 number?

25 MR. SWEENEY: No. I just wanted to make

1 sure --

2 MR. PINKERTON: I just have this one
3 copy. Would you like to see it?

4 MR. HARRIS: How kind of you to ask me out
5 for tea.

6 Q. (By Mr. Pinkerton) Mr. Baker, we've marked
7 this patent, which we'll call the '976 patent, as Baker
8 Exhibit 11. Have you ever seen that patent before?

9 A. No.

10 Q. Okay. If you look at the heading of it, does
11 it say that it's assigned to Williamson Printing
12 Corporation?

13 A. It does.

14 MR. HARRIS: Leading.

15 Q. (By Mr. Pinkerton) What's the title?

16 A. US Patent, Williamson, et al.

17 Q. Okay. Let's say right here (indicating) --

18 A. Go down here? Metallic color printing process.

19 MR. HARRIS: Object to the lawyer pointing
20 out the places in the document for testimony.

21 MR. PINKERTON: I'm trying to speed this
22 up. He's going to be objecting a lot here.

23 Q. (By Mr. Pinkerton) Up in the right-hand corner
24 do you see a date where it says date issued?

25 A. I do. December the 6th, '94.

1 Q. Okay. So before that time, the patent hadn't
2 issued and it's pending. Do you understand that?

3 A. I do understand that.

4 MR. HARRIS: And you can also point out to
5 him when it was filed, if you like.

6 MR. PINKERTON: Don't need to do that.

7 Q. (By Mr. Pinkerton) So --

8 MR. HARRIS: Good.

9 Q. (By Mr. Pinkerton) -- in July of 1994, was
10 Exhibit 11 then a pending patent application?

11 MR. HARRIS: I'd like to take you on
12 voir dire -- this man on voir dire.

13 MR. PINKERTON: Sure.

14 VOIR DIRE EXAMINATION

15 BY MR. HARRIS:

16 Q. Sir, do you know anything about the pendency of
17 patent applications whatsoever?

18 MR. PINKERTON: We just -- we just asked
19 him that.

20 Q. (By Mr. Harris) Do you know anything about the
21 pendency of patent applications whatsoever?

22 A. I know if a patent is already pending, then
23 someone has already started the process. And then if
24 you file after that, you're liable not to get yours
25 because they beat you to the punch because it was

1 already pending.

2 Q. Is that all you know about it?

3 A. That's about all I know.

4 MR. HARRIS: All right. Fine. I object
5 to this witness. He knows nothing about the pendency of
6 that patent.

7 CONTINUED EXAMINATION

8 BY MR. PINKERTON:

9 Q. Previously you had testified that the patent --
10 this patent, Exhibit 11, didn't issue until December 6,
11 1994. Was it your testimony that you understood that up
12 until the time that it issued it was pending?

13 A. I did.

14 Q. Okay. So my question to you is: Was
15 Exhibit 11 a pending patent application of Williamson
16 Printing Corporation when you met with Jesse and Bill in
17 Atlanta in July of 1994?

18 A. It is.

19 MR. HARRIS: I object to that question on
20 the basis that the witness knew nothing about that at
21 that time. And only today, as you tell him so, does he
22 know anything about the history of the patent.

23 Q. (By Mr. Pinkerton) Now, would you refer to --

24 MR. HARRIS: That's your testimony, in
25 other words, Mr. Pinkerton.

1 Q. (By Mr. Pinkerton) Would you refer to your
2 declaration, please, which is Baker 2.

3 A. Baker 2.

4 Q. Baker Exhibit 2. And when we talk about it,
5 we've already said that we're going to talk about the
6 process that you learned about from Bill and Jesse --
7 Mr. Davis and Mr. Williamson -- in Atlanta and as
8 described in the '363 patent as WIMS-2. Okay?

9 A. Right.

10 Q. Do you understand that that was an improved
11 process over --

12 MR. HARRIS: Objected to as leading --

13 Q. (By Mr. Pinkerton) -- another process?

14 A. I do.

15 MR. HARRIS: -- and coaching the witness.

16 Q. (By Mr. Pinkerton) Okay. The prior process --
17 we'll use Mr. Harris' terminology and call that WIMS-1.
18 Okay?

19 A. Okay.

20 Q. Now, with that understanding, would you look at
21 your declaration, Baker Exhibit 2, Paragraph 12, and go
22 through that and let's try to clarify the record here
23 and refer to the -- using the terminology WIMS-1 and
24 WIMS-2.

25 MR. HARRIS: Are you on Paragraph 12?

1 MR. PINKERTON: Yes, sir.

2 MR. HARRIS: Okay.

3 Q. (By Mr. Pinkerton) So Paragraph 12 starts out,
4 There is no doubt in my mind that based on my
5 discussions with Jesse Williamson and Bill Davis in
6 Atlanta, their prior development of the WIMS process as
7 described to me in 1994.

8 Is the prior development of the WIMS
9 process the WIMS-1 or WIMS-2 that you referred to
10 there?

11 MR. HARRIS: I would like to interpose
12 another objection after first asking one voir dire
13 question.

14 VOIR DIRE EXAMINATION

15 BY MR. HARRIS:

16 Q. Have you ever read that patent?

17 A. Neither patent.

18 Q. The nine whatever it is?

19 MR. PINKERTON: The question -- my
20 question doesn't call that WIMS-1, Bill. That's not my
21 question.

22 MR. HARRIS: Eleven.

23 MR. PINKERTON: Exhibit -- right.

24 MR. HARRIS: Well, maybe I better listen
25 to your question better.

1 MR. PINKERTON: Okay. Well, if you want
2 to have her read it back, fine.

3 MR. HARRIS: Yeah, I need to.

4 MR. PINKERTON: He testified that that
5 '363 patent and what Bill and Jesse told him about was
6 WIMS-2. And I'm saying that -- he said that was an
7 improved process. There was another WIMS process before
8 that, and we're calling that WIMS-1, using your
9 terminology. I'm not saying whether or not it's Baker
10 Exhibit 11 or not. It's just WIMS-1. We're calling it
11 a prior process. Okay?

12 And with that understanding of whether it
13 was an old process or the new process that was
14 described, that's the way we're using WIMS-1 and
15 WIMS-2. Okay?

16 MR. HARRIS: Sounds like it's sort of
17 speculation to me, and I would object on that basis.

18 MR. PINKERTON: We're trying to use your
19 terminology to correct the record.

20 CONTINUED EXAMINATION

21 BY MR. PINKERTON:

22 Q. So prior development of the WIMS process, what
23 does that refer to? Is that the WIMS-2 or the WIMS-1?

24 MR. HARRIS: Whoa, whoa. Now I make my
25 objection. Have you ever -- voir dire.

1 VOIR DIRE EXAMINATION

2 BY MR. HARRIS:

3 Q. Have you ever read WIMS-1?

4 A. No.

5 MR. PINKERTON: I'm not asking --

6 MR. HARRIS: He doesn't know.

7 MR. PINKERTON: I'm not asking that
8 question. We're working on totally different
9 assumptions.

10 MR. HARRIS: I don't think so.

11 MR. PINKERTON: We are.

12 MR. HARRIS: He doesn't know what's in
13 WIMS-1.14 MR. PINKERTON: What do you think -- I
15 haven't called anything WIMS-1, Bill. That's not the
16 question.17 MR. HARRIS: You talked about the prior
18 patent.19 MR. PINKERTON: We've talked about a prior
20 process. You've talked about -- the prior process is
21 WIMS-1, whether it's patented or not. WIMS-2 is the new
22 improved process that was described by Mr. Davis and
23 Mr. Williamson in Atlanta. Okay. That's the question.

24 CONTINUED EXAMINATION

25 BY MR. PINKERTON:

1 Q. With that understanding, would you please go
2 through now and tell us: The prior development of the
3 WIMS process, what is that?

4 A. Where it says, two, their prior development of
5 the WIMS process as described to me in '94, that is
6 WIMS-1. That's what I would say.

7 Q. Okay.

8 A. And then information they gave me in Atlanta
9 and what we talked about is WIMS-2. That's the
10 information I gave John Bird and Garner, as it says
11 here.

12 Q. Okay. Now, Number 4 where you go on there in
13 Paragraph 12, you say, My personal knowledge -- none of
14 Rendleman, Bird, and DeMoore had any part in the
15 invention of the process of the captioned '363 patent,
16 which was disclosed to me in July 1994 in Atlanta.

17 Was that WIMS-1 or WIMS-2 that you're
18 referring to there?

19 A. WIMS-2.

20 Q. Okay.

21 A. In the process, WIMS-2.

22 Q. Bird admitted to me that he did not invent the
23 process. Was that WIMS-1 or WIMS-2?

24 A. WIMS-2.

25 MR. PINKERTON: Okay. No further

1 questions.

2 MR. HARRIS: I don't know. I think
3 Marty's got an idea. Let's step outside.

4 (Recess taken)

5 MR. HARRIS: No further questions.

6 (Off the record at 4:10 p.m.)

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1970-1971



US005630363A

United States Patent [19]

Davis et al.

[11] Patent Number: 5,630,363

[45] Date of Patent: May 20, 1997

[54] COMBINED LITHOGRAPHIC/
FLEXOGRAPHIC PRINTING APPARATUS
AND PROCESS

[75] Inventors: Bill L. Davis, Irving; Jesse S.
Williamson, Dallas, both of Tex.

[73] Assignee: Williamson Printing Corporation,
Dallas, Tex.

[21] Appl. No.: 515,097

[22] Filed: Aug. 14, 1995

[51] Int. Cl.⁶ B41M 1/18; B41M 7/00;
B41M 1/04; B41F 23/00

[52] U.S. Cl. 101/141; 101/181; 101/183;
101/424.1; 101/424.2; 101/479; 101/483;
101/491; 101/DIG. 49

[58] Field of Search 101/135-138,
101/141-143, 450.1, 174, 180, 181, 183,
416.1, 424.1, 424.2, 479, 491, DIG. 29,
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Primary Examiner—Stephen R. Funk

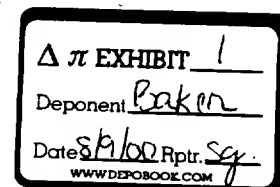
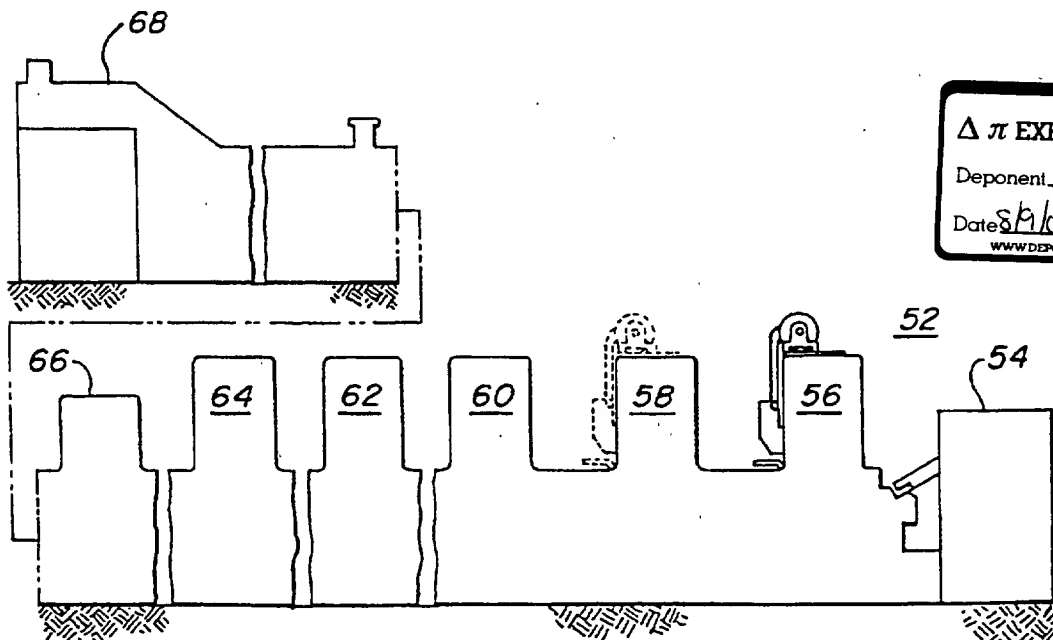
Attorney, Agent, or Firm—Jones, Day, Reavis & Pogue

[57]

ABSTRACT

A combined lithographic/flexographic printing process having a plurality of successive printing stations for printing color images on a substrate in a continuous in-line process. One of the stations prints a first color image using the flexographic process and at least one of the successive printing stations prints a second color image over the first color image using an offset lithographic process in the continuous in-line process.

41 Claims, 1 Drawing Sheet



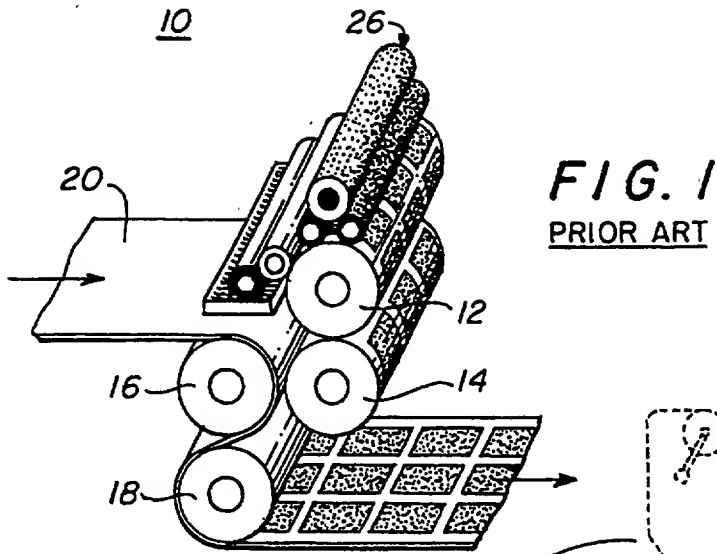


FIG. 2

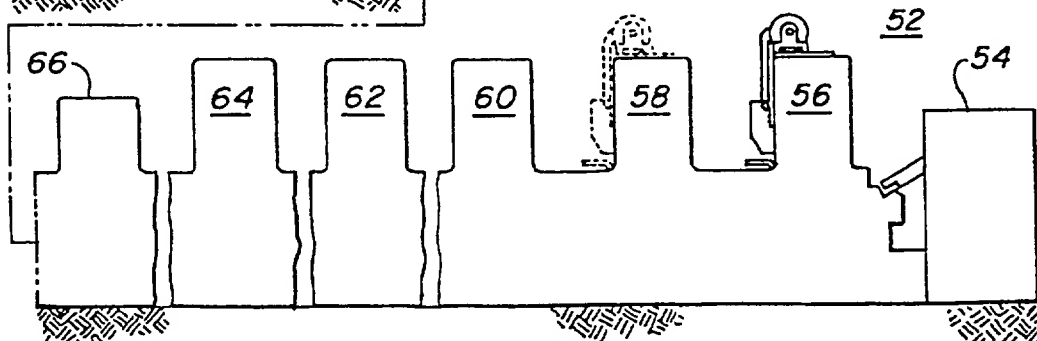
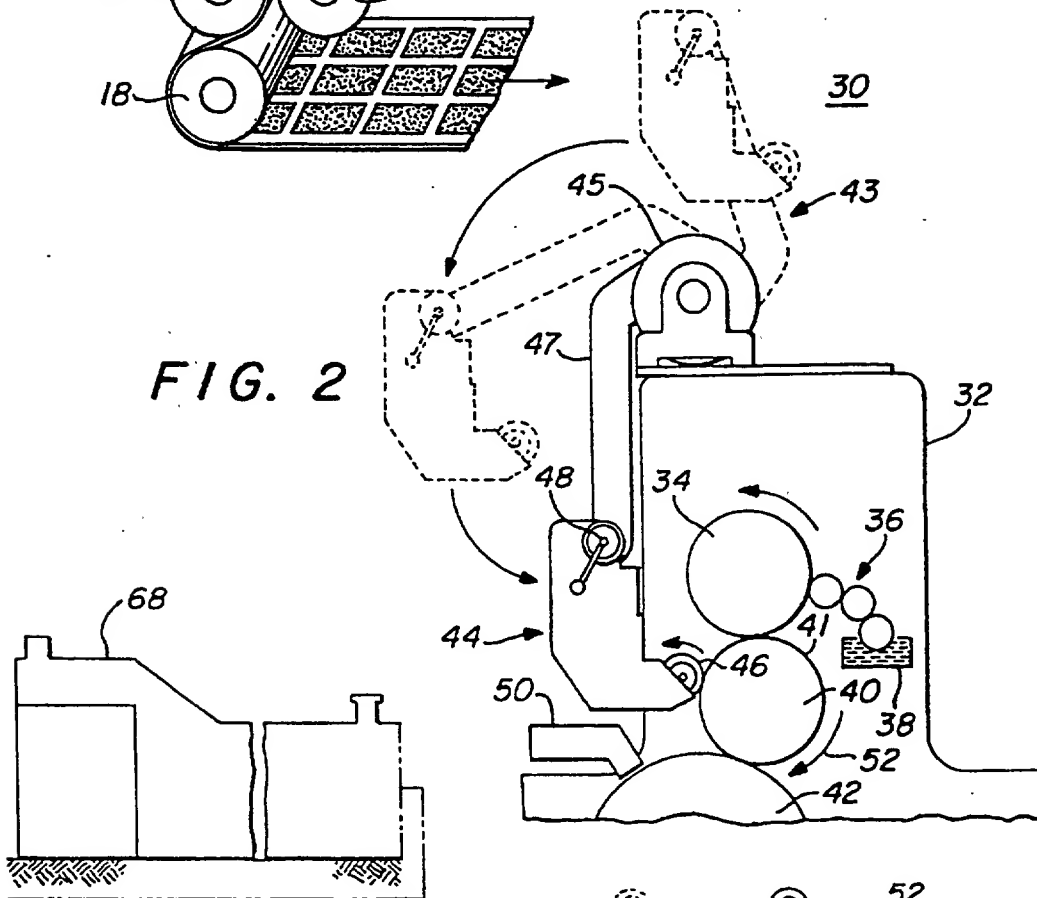


FIG. 3

FIG. 1

COMBINED LITHOGRAPHIC/ FLEXOGRAPHIC PRINTING APPARATUS AND PROCESS

BACKGROUND OF THE INVENTION

1. Field of the Invention

The present invention relates in general to printing machines and processes and in particular to a combined lithographic/flexographic in-line printing apparatus and process.

2. Description of Related Art

As used herein, the following terms have the meanings indicated:

ANILOX ROLLER

A steel or ceramic ink metering roller. Its surface is engraved with tiny, uniform cells that carry and deposit a thin, controlled layer of ink film or coating material onto the plate. In flexo presswork, anilox rollers transfer a controlled ink film from the rubber plate (or rubber-covered roller) to the web to print the image. Anilox rollers are also used in remoistenable glue units and to create "scratch-and-sniff" perfume ads.

ANILOX SYSTEM

The inking method commonly employed on flexographic presses. An elastomer-covered fountain roller supplies a controlled ink film from the ink pan to the engraved metering roller. After ink floods the metering roller, the fountain roller is squeezed or wiped usually with a doctor blade to remove the excess ink. The ink that remains on the metering roller is then transferred to the rubber printing plate.

COATER

A device with a pan to contain the coating material, a pan roller partially immersed in the coating material contained in the pan, and a coater roller to meter off a uniform film of the coating material and apply it to the printing plate.

COATING

An unbroken, clear film applied to a substrate in layers to protect and seal it, or to make it glossy.

FLEXOGRAPHIC INK

A quick-drying, fluid ink that is highly volatile or an ink that can be water based and nonvolatile.

FLEXOGRAPHY

A method of rotary letterpress printing characterized by the use of flexible, rubber, or plastic plates with raised image areas and fluid, rapid-drying inks.

HALFTONES

Dot-pattern images that have the appearance of continuous-tone images because of the limited resolving power of the human eye. This limitation accounts for an optical illusion; small halftone dots, when viewed at the normal reading distance, cannot be resolved as individual dots but blend into a continuous tone.

LITHOGRAPHIC PLATES

A lithographic plate is precoated with a light-sensitive or otherwise imageable coating, and the separation between the image and nonimage areas is maintained chemically. The image areas must be ink receptive and refuse water and the nonimage areas must be water receptive and refuse ink. The wider the difference maintained between the ink receptivity of the image areas and the water receptivity of the nonimage areas, the better the plate will be, the easier it will run on the press, and, consequently, the better the printing. There are several types of lithographic plates. The plate is an image carrier that is said to be planographic, or flat and smooth.

LITHOGRAPHY

A printing process in which the image carrier or plate is chemically treated so that the image areas are receptive to ink.

5 OFFSET PRINTING

An indirect printing method in which the inked image on a press plate is first transferred to a rubber blanket, that in turn "offsets" the inked impression to a press sheet. In offset lithography, the printing plate has been photochemically treated to produce image areas receptive to ink.

SLURRY

A water suspension of fibers or the suspension of pigment and adhesive used to coat papers. It may also include a suspended metallic material such as uniform-sized metal particles or nonuniform-sized metal particles.

ULTRAVIOLET INKS

Printing inks containing an activator that causes the polymerization of binders and solvents after exposure to a source of ultraviolet radiation.

Offset lithography is a process that is well known in the art and utilizes the planographic method. This means that the image and nonprinting areas are essentially on the same plane of a thin metal plate and the distinction between them is maintained chemically. There are two basic differences between offset lithography and other processes. First, it is based on the principle that grease and water do not mix. Second, the ink is offset from the first plate to a rubber blanket and then from the blanket to a substrate on which printing is to occur such as paper.

When the printing plate is made, the printing image is made grease receptive and water repellant and the nonprinting areas are made water receptive and ink repellant. The plate is mounted on the plate cylinder of the press which, as it rotates, comes in contact successively with rollers wet by a water or dampening solution and rollers wet by ink. The dampening solution wets the nonprinting areas of the plate and prevents the ink from wetting these areas. The ink wets the image areas which are transferred to the intermediate blanket cylinder. The inked image is transferred to the substrate as it passes between the blanket cylinder and the impression cylinder. Transferring the image from the plate to a rubber blanket before transfer to the substrate is called the offset principle.

One major advantage of the offset principle is that the soft rubber surface of the blanket creates a clearer impression on a wide variety of paper surfaces and other substrate materials with both rough and smooth textures with a minimum of press preparation.

Offset lithography has equipment for short, medium and long runs. Both sheetfed and web presses are used. Sheetfed lithography is used for printing advertising, books, catalogs, greeting cards, posters, labels, packaging, folding boxes, decalcomanias, coupons, trading stamps, and art reproductions. Many sheetfed presses can perfect (print both sides of the paper) in one pass through the press. Web offset is used for printing business forms, newspapers, preprinted newspaper inserts, advertising literature, catalogs, long-run books, encyclopedias, and magazines.

In offset lithography, the rubber blanket surface conforms to irregular printing surfaces, resulting in the need for less pressure and preparation. It has improved print quality of text and halftones on rough surfaced papers. Further, the substrate does not contact the printing plate thereby increasing plate life and reducing abrasive wear. Also, the image on the plate is right for reading rather than reverse reading. Finally, less ink is required for equal coverage, drying is speeded, and smudging and setoff are reduced. Setoff is a

condition that results when wet ink on the surface of the press sheets transfers or sticks to the backs of other sheets in the delivery pile.

Thus, in summary, conventional lithographic offset printing machines or presses comprise one or more image printing stations each having a printing roller or a plate cylinder to which is fastened a thin hydrophilic, oleophobic printing plate having image areas which are oleophilic and hydrophobic and background areas which are oleophobic and hydrophilic. The plate surface is continuously wetted with an aqueous damping solution which adheres only to the background areas and inked with oleo-resinous inks which adhere only to the image areas of the plate as wet ink. The ink is offset transferred to the rubber surface of a contacting blanket cylinder and then retransferred to the receptive surface of a copy web or a succession of copy sheets, such as paper, with an impression cylinder and the ink air dries by oxidation and curing after passing through a drying station.

It is also known to provide the printing machine with a downstream coating station having a blanket roller associated with a coating application unit for the application of an overall protective coating over the entire printed area of the copy sheets or web.

It is known to apply pattern coatings of protective composition by means of blanket rolls by cutting into the rubber surface of the blanket to create raised or relief surface areas which selectively receive the coating composition from the application roll for retransfer to selected areas of the copy sheets in form of pattern coatings. See U.S. Pat. No. 4,796,556.

Lithographic inks are formulated to print from planographic surfaces which use the principle that grease and water do not mix. Lithographic inks are generally very strong in color value to compensate for the lesser amount applied. They are among the strongest of all inks. The average amount of ink transferred to the paper is about half that of letter press because of the double split of the ink film between the plate cylinder and the blanket cylinder and the blanket cylinder and the substrate on the impression cylinder.

Problems occur in the offset lithographic process when attempting to print certain colors such as white and in particular white on other colors such as yellow because the color white will be faint and not sufficiently strong. In such cases, the sheet or paper or substrate requiring the white ink usually has to be run through the same printer several times before the white becomes sufficiently strong.

Further, such colors are not generally printable in an offset lithographic printing process. This means that the sheets or substrate must be removed and transferred to a second type of machine using the flexographic process to apply greater amounts of ink in successive printing runs to achieve the desired print quality.

A like situation occurs with the printing of slurry-type materials such as "scratch-and-sniff" materials which is a liquid vehicle with a slurry containing an encapsulated essence. Such liquid vehicles, because of the nature of the slurry, must be printed with a flexographic process because the anilox roller can supply greater amounts of ink to the flexo plate on the plate cylinder.

Again, when a liquid vehicle with a slurry having suspended material therein such as metallic particles is to be printed, an offset lithographic process cannot be used without the mixing of the aqueous solution with metallic inks which cause a dulling of the image. Further, the above-mentioned double split of the ink film adds to the dulling of the image. Therefore, to achieve desired results, the printing must take place with a flexographic printing machine.

Thus, liquid opaque coatings or inks such as white colored ink, scratch-and-sniff vehicles, and slurries with metal particles do not achieve desired results when printed in an offset lithographic process and must be transferred from the offset lithographic in-line machines to a separate machine for printing in a separate run.

Such requirements not only hinder the speed of the printing process but also require additional time and thus increase the cost of the printing.

It would be advantageous to have a continuous in-line process in which not only offset lithographic printing could take place but in which, in the same in-line process, liquid printing vehicles including opaque coatings, such as white ink, and slurries containing encapsulated essences or metallic particles could also be printed and dried not only before the printing of the offset lithographic inks but also in which, after the liquid opaque coatings have been applied, an overcoating could be applied to the printed liquid vehicle image using the lithographic process in the continuous in-line process.

SUMMARY OF THE INVENTION

The present invention provides for a continuous in-line printing process having a plurality of successive printing stations for printing color images on a substrate. At least one of the stations prints a liquid vehicle image on a substrate with an opaque coating using the flexographic process and at least one of the successive printing stations printing a second color image over the liquid vehicle image on the printed substrate using the lithographic process in the continuous in-line process.

In the novel inventive system, a single in-line continuous printing process is used. One of the stations may print a liquid vehicle image on a substrate that contains a slurry with an encapsulated essence therein utilizing the flexographic process. Another one of the stations may apply an overcoating over the liquid vehicle image on the printed substrate using a lithographic process. Still another of the stations may print an aqueous-based vehicle image including a suspended metallic material therein using the flexographic process to form a metallic coating and thereafter at least one of the successive printing stations prints a color image over the aqueous-based vehicle image using the lithographic offset process in the continuous in-line process.

Whenever a station is used for flexographic printing, a flexographic plate image is placed on the blanket cylinder for receiving the liquid vehicle and transferring the liquid vehicle to the impression cylinder for printing. An anilox roller is associated with the flexographic plate for supplying the liquid vehicle which may be an aqueous-based vehicle.

In addition, in such case, a high-velocity air dryer is associated with the impression cylinder of one or more of the printing stations where the printing on the substrate is occurring to assist in drying the ink or liquid vehicle printed on the substrate while it is on or near the impression cylinder, before the substrate arrives at the next successive station for additional printing, or before printing occurs at the next successive station.

Thus, if a liquid vehicle such as white ink is to be printed, it is printed with a flexographic process which deposits a greater amount of ink on the substrate, the ink is dried with a high-velocity air dryer while the substrate is on or near the impression cylinder and prior to the substrate being received by the next successive station. If desired, at the next successive station the printing of the white liquid vehicle may again take place thus ensuring the desired intensity of

whiteness on the substrate. Subsequently, at the next succeeding station a printing may take place on top of the white printing and such printing may continue at the remaining successive stations.

Thus, it is an object of the present invention to provide a plurality of successive printing stations for printing color images on a substrate in a continuous in-line process and in which some of the stations print using the flexographic process and other of the stations print utilizing the offset lithographic process.

It is also an object of the present invention to print an aqueous-based vehicle image including a suspended metallic material therein using the flexographic process at one printing station and at least one successive printing station printing a color image over the aqueous-based vehicle image using a lithographic process in a continuous in-line process or placing an overcoating over the aqueous-based vehicle image using the flexographic process and then printing at successive stations using the lithographic process.

It is yet another object of the present invention to provide a continuous in-line printing process in which one of the stations prints a liquid vehicle image on the substrate with a slurry containing an encapsulated essence using the flexographic process and at least one of the successive printing stations applies an overcoating over the liquid vehicle image on the printed substrate using the offset lithographic process in a continuous in-line process.

BRIEF DESCRIPTION OF THE DRAWINGS

These and other features of the present invention will be more fully disclosed when taken in conjunction with the following DETAILED DESCRIPTION OF THE PRESENT INVENTION in which like numerals represent like elements and in which:

FIG. 1 is a schematic view of a prior art offset lithography printing station;

FIG. 2 is a generalized depiction of a printing station that may be used either as an offset lithographic station or a flexographic printing station and illustrates how the station may be converted from an offset lithographic station to a flexographic station; and

FIG. 3 illustrates the continuous in-line process of the present invention comprising a plurality of printing stations, each of which can be converted from an offset lithographic printing station to a flexographic printing station as well as a final coating station.

DETAILED DESCRIPTION OF THE PRESENT INVENTION

FIG. 1 is a schematic representation of a well-known offset lithography printing station 10 having a plate cylinder 12, a blanket cylinder 14, and an impression cylinder 16. The printing medium or substrate, such as paper 20 either in sheet form or web, is fed over the impression cylinder 16 in printing contact with the blanket cylinder 14 to receive the image and then passes over the paper transfer cylinder 18 with the image printed thereon. An inking system 26, well known in the art, transfers the ink from the ink supply to the plate cylinder 12. This is a typical offset lithography printing station.

As disclosed in U.S. Pat. No. 4,796,556, offset lithographic printing machines generally have a plurality of in-line liquid application stations at least one of which is an ink image printing station for printing lithographic ink images on to suitable receptive copy sheets. The final

downstream liquid application station is a coating application station for printing a protective and/or aesthetic coating over selected portions of or over the entire ink-image printed surface of the copy sheets and can also be used to print metallic coatings or slurry. As stated in U.S. Pat. No. 4,796,556, two liquid application stations are shown, the latter including a coating apparatus and the first station being a conventional offset image printing station. The coating application printing station is one that can be modified to convert it either permanently or intermittently to a coating station from an offset lithographic station.

Such a station is illustrated in FIG. 2 herein. The station 30 comprises a housing 32 which includes therein a plate cylinder 34 that is fed with an ink system of rollers 36 that take ink from an ink supply 38 and transfer it to the plate cylinder 34. A blanket cylinder 40 is in ink transfer relationship with the plate cylinder 34 and the impression cylinder 42 where the image is transferred to a substrate passing between blanket cylinder 40 and impression cylinder 42 as blanket cylinder 40 rotates in the direction of arrow 52. This is a conventional offset lithographic printing station. When it is desired to convert that station into a coater station, the coater apparatus 43 has a coater head 44 including a supply of liquid coating and an anilox roller 46 that can be moved such that it can be in contact with either the blanket cylinder 40 for direct printing or the plate cylinder 34 for offset printing. In this case, the ink rollers 36 for the lithographic system are removed from engagement with the plate cylinder 34 in a well-known manner. The coater unit 43 includes a motor device 45, an arm 47, and a pivotal connection 48 that connects the coater head 44 with the remainder of the assembly.

As stated previously, the offset lithographic machine of FIG. 2 is converted as shown therein to a coater that is used only in the last stage of an in-line printing process. It has not been able to be used in stages other than the last printing station because the ink that is placed on the blanket cylinder by means of an anilox roller is still wet when it arrives at the subsequent stations, thus causing smearing of the printed material and causing a general impossibility of printing other information thereon. However, applicant has modified the station shown in FIG. 2 by the addition of a high-velocity air dryer 50 that is associated with the impression cylinder 42 directly after the ink is transferred from the blanket cylinder to the substrate on the impression cylinder. Thus by using flexographic inks, or aqueous coatings which are naturally quick-drying inks, and the high-velocity air dryer 50 located at the point where the ink is applied to the substrate on the impression cylinder, the ink is sufficiently dried when it passes to the next station that further printing can take place on the printed substrate.

Thus, as shown in FIG. 3, a conventional in-line offset lithographic printing machine 52 is shown having an apparatus to feed paper into the said machine, referred to as a feeder 54, printing stations 56, 58, 60, 62, and 64 and a coating station 66. A delivery station 68 receives the printed material or substrates. Thus there are a plurality of successive printing stations 56, 58, 60, 62, and 64 for printing color images on the substrate in a continuous in-line process. Any one of the printing stations 56-64 can be modified as generally shown therein and as illustrated in FIG. 2 to print a first color image using the flexographic process. The succeeding printing stations can then print a second color image over the first color image using the lithographic process in the continuous in-line process. As illustrated in FIG. 2, the flexographic process printing station includes the blanket cylinder 40 and the impression cylinder 42. A

flexographic plate 41 on the blanket cylinder 40 has an image thereon for receiving the first color from the anilox roller 46 and transferring that first color image to the impression cylinder 42 for printing on the substrate. The high-velocity air dryer 50 thus dries the flexographic ink on the substrate and passes the substrate to the subsequent printing station. Thus in FIG. 3, station 56 may be modified as generally shown therein and as illustrated in FIG. 2 and a flexographic ink can be printed thereon at station 56, dried by the high-velocity air dryer 50, and coupled to subsequent in-line stations 58-64 for further printing a second or more color images over the first color image using the offset lithographic process in a continuous in-line process. The flexographic printing station shown in FIG. 2 may print a liquid vehicle image on the substrate with a slurry containing an encapsulated essence. At at least one of the successive printing stations 58-64 an overcoating may be applied over the liquid vehicle image on the printed substrate using the flexographic process in the continuous in-line process. The overcoating may be an aqueous overcoating, or an ultraviolet overcoating. In addition, the substrate may be a sheet or a web 20 as illustrated in FIG. 1 or it may be single sheet fed in the continuous in-line process from the stack sheets shown at 54 in FIG. 3.

Further, the modified flexographic printing station 30 shown in FIG. 2, as stated previously, may be any one of the stations 56-64 in FIG. 3, and as illustrated by stations 56 and 58, and may print an aqueous-based vehicle image including a suspended metallic material therein using the flexographic process to form a metallic coating. Again, after it is dried by the high-velocity air dryer 50, it may be passed to one of the successive printing stations for printing a color image over the aqueous-based vehicle image using the offset lithographic process in the continuous in-line process. The suspended material may include uniform-sized metal particles to form the metallic coating or it may include nonuniform or multiple-sized metal particles to form the metallic coating.

The present invention is especially useful when a liquid opaque coating must be printed such as a white color ink. In that case, it may be desirable to have both stations 56 and 58 modified as shown in FIG. 3 and as illustrated in detail in FIG. 2. In such case, the anilox roller 46 at each station delivers the white ink in the same pattern to the flexographic plate 41 on the blanket cylinder 40 for transfer to the substrate on the impression cylinder 42. As the substrate passes the high-velocity drying station 50, the ink is dried and the second station may again print the same white pattern on the substrate to increase the quality of the white ink appearance after it is applied to the substrate.

Thus, the station or stations that are converted to flexographic printing stations may have an ink-providing means 46 at the printing station for applying a flexographic ink to the blanket cylinder to form the image. A substrate receives the flexographic ink image transfer from the blanket cylinder and at least one subsequent printing station in the in-line process receives the image-printed substrate and prints an additional coated ink image on the substrate on top of the flexographic ink image using offset lithography. The additional colored ink images that can be printed on top of the flexographic ink images can be conventional lithographic inks or waterless inks.

Further, the colored ink images may be printed with halftone screening processes. The flexographic ink image and the colored ink images may also be printed in solids and/or halftone printing plates in sequence and in registry in successive printing stations to produce a multicolored image on the substrate. Further, the printing apparatus may include a sheetfed press or a web press.

In the present invention, at least one of the flexographic printing stations prints an image with liquid vehicle slurry containing an encapsulated essence. In another embodiment, at least one of the printing stations prints an image with a water-based liquid vehicle containing suspended particles that are either uniform or nonuniform in size. The suspended particles may be metallic particles up to substantially 16 microns in diameter.

The present invention may also use the metallic color printing process as disclosed in commonly assigned U.S. Pat. No. 5,370,976 incorporated herein by reference in its entirety.

In one aspect, the novelty of the present invention is to create a flexographic printing station that can be used at one of a plurality of printing stations in a continuous in-line process and in which, at a subsequent printing station, a lithographic process may be used to print over the liquid vehicle printed by the flexographic station.

Thus, there has been disclosed an apparatus for a combined lithographic/flexographic printing process that includes a plurality of successive printing stations for printing color images on a substrate in a continuous in-line process and wherein one of the stations prints a first color image using the flexographic process and at least one of the successive printing stations prints a second color image over the first color image using the lithographic process in the continuous in-line process.

While the invention has been described in connection with a preferred embodiment, it is not intended to limit the scope of the invention to the particular form set forth, but, on the contrary, it is intended to cover such alternatives, modifications, and equivalents as may be included within the spirit and scope of the invention as defined by the appended claims.

We claim:

1. Apparatus for a combined lithographic/flexographic printing process comprising:

a substrate;

a plurality of successive printing stations for printing color images on the substrate in a continuous in-line process;

one of said stations comprising a flexographic printing station for printing a liquid vehicle image on said substrate with a slurry containing an encapsulated essence using the flexographic process;

at least one of said successive printing stations being a lithographic printing station; and

an overcoating applied over the liquid vehicle image on the printed substrate at at least one of said successive lithographic printing stations using the lithographic process in said continuous in-line process.

2. Apparatus as in claim 1 wherein said overcoating is an aqueous overcoating.

3. Apparatus as in claim 1 wherein said overcoating is an ultraviolet ink overcoating.

4. Apparatus as in claim 1 wherein:

said substrate is a paper sheet; and
said apparatus includes a sheet feeder.

5. Apparatus as in claim 1 wherein:

said substrate is a web; and
said apparatus includes a web feeder.

6. Apparatus for a combined lithographic/flexographic printing process comprising:

a plurality of successive printing stations for printing color images on a substrate in a continuous in-line process;

one of said stations comprising a flexographic printing station printing an aqueous-based vehicle image using the flexographic process to form a metallic coating; a suspended metallic material being included in said aqueous-based vehicle image; and

at least one of the successive printing stations comprising an offset lithographic printing station printing a color image over the aqueous-based vehicle image using the offset lithographic process in said continuous in-line process.

7. Apparatus as in claim 6 wherein said suspended material includes uniform-sized metal particles to form said metallic coating.

8. Apparatus as in claim 6 wherein said suspended material includes nonuniform-sized metal particles to form said metallic coating.

9. Apparatus as in claim 6 further including: said flexographic printing station including a plate cylinder having a flexographic plate thereon, a blanket cylinder, and an impression cylinder;

a flexographic plate image transferred from said plate cylinder to said blanket cylinder, said image being formed of said metallic coating, said blanket cylinder transferring said metallic coating to said impression cylinder for printing said flexographic plate image on said substrate; and

an anilox roller associated with said flexographic plate for supplying said aqueous-based vehicle containing said suspended metallic material to said flexographic plate.

10. Apparatus for creating a combined lithographic/flexographic printing process comprising:

a plurality of successive printing stations for printing color images on a substrate in a continuous in-line process;

one of said stations comprising a flexographic printing station for printing a first color image using the flexographic process; and

at least one of the successive printing stations comprising an offset lithographic printing station for printing a second color image over the first color image using the offset lithographic process in said continuous in-line process.

11. Apparatus as in claim 10 further including:

said flexographic printing station including a plate cylinder, a blanket cylinder, and an impression cylinder;

a flexographic plate on said plate cylinder;

an anilox roller associated with said flexographic plate for supplying a first color to said flexographic plate to form said first color image; and

said blanket cylinder receiving said first color image from said plate cylinder and transferring said first color image to said impression cylinder for printing on said substrate.

12. Apparatus for creating a combined lithographic/flexographic printing process comprising:

a substrate;

a plurality of successive printing stations for printing color images on the substrate in a continuous in-line process;

at least two successive ones of said printing stations being flexography stations and comprising:

(1) a supply of liquid coating;

(2) a plate cylinder associated with a blanket cylinder, said plate cylinder having a flexographic plate thereon;

(3) an anilox roller associated with said liquid supply coating and said plate cylinder for delivering said liquid coating to said flexographic plate to form an image for transfer to said blanket cylinder;

(4) an impression cylinder for receiving said liquid coating image transferred from said blanket cylinder and printing said image on said substrate, said at least two flexography stations printing the same liquid coating image in sequence and in superimposed relationship; and

at least one offset lithographic printing station for receiving said substrate and printing over said liquid coating image.

13. Apparatus as in claim 12 wherein said liquid coating image printed on said substrate is a white color ink.

14. Apparatus as in claim 12 further including an air dryer associated with each of said impression cylinders on said flexography stations, said air dryer having sufficient air velocity for drying said liquid coating before the substrate is transferred to the successive printing station in said continuous in-line process.

15. Apparatus for a combined lithographic/flexographic printing process comprising:

a plurality of successive printing stations for printing color images on a substrate in a continuous in-line process, said printing stations including both lithographic and flexographic printing stations;

a blanket cylinder at at least a first one of said flexographic printing stations;

flexographic ink-providing means at said at least first one of said flexographic printing stations for applying a flexographic ink to said blanket cylinder to form an image;

a substrate for receiving said flexographic ink image transferred from said blanket cylinder; and

at least one subsequent lithographic printing station in said in-line process for receiving said image printed substrate and printing an additional colored ink image on said substrate on top of said flexographic ink image using offset lithography.

16. Apparatus as in claim 15 further comprising:

a plate cylinder at said at least first one of said flexographic stations;

a flexographic plate on said plate cylinder for receiving and transferring said flexographic ink to said blanket cylinder; and

said flexographic ink-providing means including a flexographic ink supply and an anilox roller associated with said flexographic ink supply for transferring said flexographic ink to said flexographic plate.

17. Apparatus for a combined lithographic/flexographic printing process for printing a multicolored image comprising:

a plurality of successive printing stations for printing color on a substrate in a continuous in-line process, said printing stations including both lithographic and flexographic printing stations;

at least one of said flexographic printing stations having:

(1) a plate cylinder and a blanket cylinder, said plate cylinder including a flexographic plate having an image thereon for transferring a flexographic color ink image to said blanket cylinder;

(2) an etched anilox roller for applying a flexographic color ink to said flexographic plate on said plate cylinder;

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(3) an impression cylinder in ink-transfer relationship with said blanket cylinder for transferring said flexographic color ink image from said blanket cylinder to said substrate; and

at least one of said succeeding printing stations being a lithographic printing station using offset lithography for printing additional colored ink images on top of said flexographic ink image.

18. Apparatus as in claim 17 wherein said additional colored ink images are formed with lithographic inks.

19. Apparatus as in claim 17 wherein said colored ink images are formed with waterless inks.

20. Apparatus as in claim 17 further including an air dryer adjacent to said impression cylinder for drying the flexographic ink image transferred to said substrate before said additional colored ink images are printed thereon.

21. Apparatus as in claim 17 further including halftone printing plates for printing said colored ink images.

22. Apparatus as in claim 17 wherein said flexographic ink image and said colored ink images are printed as solid colors and/or with halftone printing plates in sequence and in registry in said successive printing stations to produce said multicolored image on said substrate.

23. Apparatus as in claim 17 wherein said printing apparatus includes a sheet-fed press.

24. Apparatus as in claim 17 wherein at least one of said flexographic printing stations prints said flexographic ink image with liquid vehicle slurry containing an encapsulated essence.

25. Apparatus as in claim 17 wherein at least one of said printing stations prints said flexographic ink image with a water-based liquid vehicle containing suspended particles.

26. Apparatus as in claim 25 wherein said suspended particles are uniform in size.

27. Apparatus as in claim 25 wherein said suspended particles are nonuniform in size.

28. Apparatus as in claim 25 wherein said suspended particles are metallic particles.

29. A method of combining lithography and flexographic printing in a continuous in-line process comprising the steps of:

providing a plurality of successive lithographic/flexographic printing stations for printing colored ink images on a substrate;

printing a flexographic ink image on said substrate at at least one of said flexographic stations;

transferring said printed substrate to at least one subsequent printing station in said continuous in-line process; and

printing colored ink images on top of said flexographic ink image at at least one of said subsequent lithographic printing stations with an offset lithographic process.

30. A method as in claim 29 further comprising the step of drying said flexographic ink image on said substrate with an air dryer prior to printing said colored ink images thereon.

31. A method as in claim 29 further including the step of printing a coating on top of said colored ink images at one of said plurality of subsequent printing stations.

32. A method as in claim 29 wherein said colored inks forming said colored ink images are waterless.

33. A method as in claim 29 wherein said colored inks forming said colored ink images are in a solvent-based liquid vehicle.

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34. A method as in claim 29 further including the steps of: printing a slurry on said substrate at any of said printing stations in said continuous in-line process;

using an encapsulated essence in said slurry; and

printing an overcoating over said slurry at a subsequent printing station in said in-line process to protect said essence.

35. A method as in claim 34 further including the step of printing an aqueous-based coating over said slurry.

36. A method as in claim 34 further including the step of printing an ultraviolet coating over said slurry.

37. A method of combining offset lithography and flexographic printing in a continuous in-line process comprising the steps of:

providing a substrate;

applying a flexographic ink to a blanket cylinder in a pattern with a coating head at a first flexographic printing station;

transferring said pattern of flexographic ink from said blanket cylinder to the substrate; and

printing a waterless ink pattern over said flexographic ink pattern on said substrate at at least one subsequent offset lithographic printing station in said continuous in-line process.

38. A method of combining lithography and flexographic printing in a continuous in-line process comprising the steps of:

printing an aqueous-based vehicle image having suspended particles therein on a substrate at a first flexographic printing station;

transferring said image printed substrate to at least one additional printing station in said continuous in-line process; and

printing additional colored ink images on said printed substrate over said aqueous-based vehicle image in an offset lithographic process at said at least one additional printing station in said in-line process.

39. A method of combining lithography and flexographic printing in a continuous in-line process comprising the steps of:

(1) providing a plurality of successive printing stations for printing liquid vehicle images on a substrate in said in-line continuous process;

(2) utilizing an anilox roller to transfer a liquid ink as said liquid vehicle to a flexographic plate image at at least one of said printing stations;

(3) printing said liquid ink from said flexographic plate image to a substrate;

(4) transferring said printed substrate with said liquid ink image to a subsequent printing station in said in-line printing process;

(5) repeating steps (2)-(4) at subsequent printing stations in said in-line process to achieve a desired opacity ink image on said substrate; and

(6) printing an ink pattern over said flexographic ink image using an offset lithographic process.

40. A method as in claim 39 further including the step of additionally printing colored ink images over said liquid ink image on said substrate at subsequent ones of said printing stations in said in-line process.

41. A method as in claim 40 wherein said liquid ink is an opaque white color.

* * * * *

January 2, 1997, and I was given credit for the social security taxes I paid, and in due course I received from Printing Research a 401K contribution for 1997.

3. I graduated from East Texas State University in 1975 with a B.S. in Journalism – Printing Management and have had a career in printing and sales in the printing and food industries up until I went to work for Printing Research in August 1991.

4. Sometime in late July 1994 I met with Bill Davis and Jesse Williamson on a Sunday in Atlanta, Georgia. I remember some intense business discussions which occurred at a Morton's Steakhouse in Atlanta. The discussions are very memorable to me, in part because it was late on Sunday and we were lost in Atlanta and it took a long time to find a good place to eat which was open.

5. I was aware as of the time of this meeting that the employer of Jesse Williamson and Bill Davis, Williamson Printing Corporation, had settled a lawsuit with my employer, Printing Research Corporation, and that part of the settlement involved an obligation on the part of Williamson Printing Corporation to buy a set amount of equipment and/or supplies from Printing Research. The atmosphere was friendly at the restaurant, and in fact it was my understanding that Williamson Printing had already committed to purchasing dryer equipment from Printing Research for a line of Heidelberg printing presses to be installed at Williamson starting in late 1994 running well into 1995. In fact, as part of the Atlanta trip, I showed Jesse Williamson a Printing Research-constructed HV interstation drier at a local carton printer manufacturer in the Atlanta area. I was informed of Williamson Printing Corporation's proprietary "WIMS" process concerning the printing of metallic inks, and was informed by Jesse Williamson and Bill Davis that a patent application was pending concerning the "WIMS" process. I recall being shown some Rolex watch advertisements that were part of some jewelry catalogues that were printed by what Jesse Williamson and Bill Davis described as the WIMS process, and that I was impressed with the brilliance of the gold and silver in the advertisements. Jesse Williamson even picked up the bill for dinner, which was unusual, because I was the salesman trying to sell Williamson equipment.

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6. It was clear to me that the discussions took place in confidence and that Jesse Williamson and Bill Davis intended that I not publicize outside those with a need to know what was being discussed at the restaurant meeting in Atlanta.

7. Jesse Williamson and Bill Davis spoke that they had an invention to improve the WIMS process to make the metallic inks printed appear even more brilliant. They confided in me that they wanted to use flexography at a station they designated "upstream" -- perhaps even the first station -- of one or more offset lithographic presses that they would receive from Heidelberg. They mentioned several ways in which this could be done -- by a dedicated flexographic station which would replace an existing lithographic station, by a bolt-on manually added device that would be used on a run-by-run basis, or most preferably, a retractable or "rack-back" mechanism which would have to be modified for "upstream" use. They mentioned that with respect to the rack-back option, that they would have to have with the retractable mechanism an anilox roller, a chambered doctor, and the use of state-of-the-art flexographic plates. They mentioned they had just seen the use of some of these flexographic plates in Germany, and that a number of companies sold high-resolution plates which would work in their new process. They asked me whether or not Printing Research was interested in supplying these types of rack-back or retractable devices, and I told them that Printing Research had available for modification such a rack-back which was not dissimilar to Dahlgren International's device currently sold, or other devices which were sold by our competitors. Our rack-back was developed, I recall, by a fellow Printing Research employee, John Bird, when John Bird was employed previously at another company in the eastern part of the United States. I believe that these machines were being supplied to us by a company called Effritz Tool Company.

8. Jesse Williamson and Bill Davis indicated to me that they wanted to run some tests at Printing Research using the retractable equipment which might be modified for interstation use. These tests -- conducted for Williamson Printing Corporation -- occurred later in 1994, I recall in October, possibly as late as November. I recall Williamson supplying the flexographic inks and the flexographic plates for these tests, conducted at their direction.

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9. After the July 1994 Atlanta meeting – a meeting in which Williamson had not yet committed to purchase the rack-back devices from Printing Research, but was interested in Printing Research's potential modification of its rack-back to fit the new and improved process of Jesse Williamson and Bill Davis, and upon my return to Dallas, I conveyed to John Bird and Steve Garner of Printing Research the confidences I had learned in Atlanta of the new process. In the months that followed, in an effort to get the business, Printing Research did start working and did develop a coater for Williamson Printing that was called "the Rendleman coater" by those of us at Printing Research, including Bird, Garner and me. The unit was modified to be cantilevered rather than linear. The mechanical engineering was done by Rendleman, who I recall was not an "idea man," but just did the mechanical design work which was requested by his superiors. In addition to John Bird and Steve Garner, I informed Howard DeMoore of the trip, although I cannot recall if I told him of all the technical details I told John Bird and Steve Garner. There were actually two cantilevered devices built for Williamson Printing Corporation – a short-arm end-of-process device first installed on the coating tower of a new 7 color Heidelberg CD – the installation I recall in late February or thereabouts – and a series of long-arm devices built for interstation use, the first deployed later in 1995.

10. I recall a meeting that took place at Williamson in January 1995 prior to the installation of the first, or short-arm device. The meeting took place, as I recall, in Conference Room E at Williamson Printing Corporation, attended by Jesse Williamson, Bill Davis, John Bird and myself. At this meeting, Jesse Williamson told John Bird and myself that he (Williamson) and Davis were going to file a patent application on the new process. I recall that going back to the offices of Printing Research, Bird was amazed that anyone could obtain patent protection on a process apart from the "iron," i.e., a device used in carrying out that process. He called it a brilliant move, but did not know whether such patenting could take place.

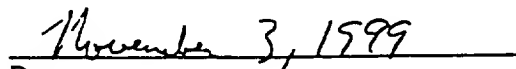
11. Recently, I spoke with Howard DeMoore at an industry conference in Chicago (the Graph Expo '99 Conference). Howard claimed he was amazed that Williamson – he alleged

- was claiming the "Rendleman coater" My belief is that Bird and DeMoore are confused as to the difference between claiming a process and a device to carry out that process.

12. There is no doubt in my mind that based upon (1) my discussions with Jesse Williamson and Bill Davis in Atlanta in July 1994, (2) their prior development of the WIMS process as described to me in 1994, (3) the information I conveyed to at least John Bird and Steve Garner of Printing Research upon my return from Atlanta in July 1994, and (4) my personal knowledge of the skills and work history of Rendleman, Bird and DeMoore, that none of Rendleman, Bird and DeMoore had any part in the invention of the process of the captioned '363 patent which was disclosed to me in July 1994 in Atlanta. Rendleman was essentially a skilled mechanic to build what others wanted. DeMoore was a pressman by trade. Bird admitted to me he did not invent the process, and I knew that anyway.

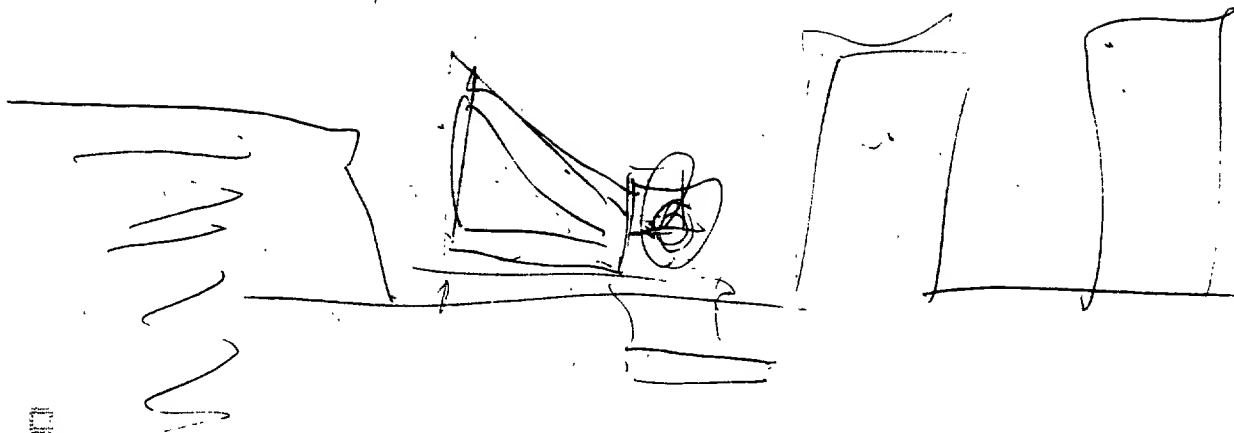
The undersigned Declarant stated further that all statements made herein of Declarant's own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such statements may jeopardize the validity of the application of any reissue patent issuing thereon.


Steven Baker


Date: November 3, 1999

W001252

[illegible]



TOP SECRET

Steve Baker

$\Delta \pi$ EXHIBIT	<u>3</u>
Deponent	<u>Baker</u>
Date	<u>8/9/00</u> Rptr. <u>sg</u>
<small>WWW.DEPOBOOK.COM</small>	

SECRET

Issued by the
UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF TEXAS

**PRINTING RESEARCH INC. and
 HOWARD W. DEMOORE,**

Plaintiffs

SUBPOENA IN A CIVIL CASE

v.

**WILLIAMSON PRINTING CORP.,
 BILL L. DAVIS, and JESSE S. WILLIAMSON,**
 Defendants

Case Number:¹ **3-99-CV1154-M**

TO: Steven Baker
 Epic Products International
 2801 Randol Mill Road
 Arlington, Texas 76011



YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME



YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

Locke Liddell & Sapp LLP
 2200 Ross Avenue, Suite 2200
 Dallas Texas 75201-6776

DATE AND TIME

August 9, 2000 at 9 a.m.



YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below.

LIST DOCUMENTS OR OBJECTS:

See attached "Plaintiff's Notice of Oral Deposition of Steven Baker," which describes the documents.

PLACE:

Same as "PLACE OF DEPOSITION" above.

DATE AND TIME

August 9, 2000 at 9 a.m.



YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

Attorney for Plaintiffs

July 30, 2000

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Stephen D. Wilson
 Locke Liddell & Sapp LLP, 2200 Ross Avenue, Suite 2200, Dallas, Texas 75201-6776
 Telephone: (214) 740-8000

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

Δ π EXHIBIT 4

Deponent: Baker

Date: 8/9/00 Rptr. scg
 WWW.DEPOBOOK.COM

¹ If action is pending in district other than district of issuance, state district under case number.

PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45 Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a

party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in who behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

for the Reissue Application of Bill L. Davis and Jesse S. Williamson for U.S. Patent 5,630,363.

A copy of the "Declaration of Steven Baker" is attached as Exhibit A.

(2) All documents in his custody or control concerning the allegations in paragraph 2 of the "Declaration of Steven Baker" except documents that only concern the allegations in the first sentence of paragraph 2.

(3) All documents in his custody or control concerning the printing process of using a flexographic step prior to offset lithography in an on-line operation, all in one pass. Such documents include, but are not limited to, documents relating to the inventorship of the process or of the technical or mechanical means of executing the process.

(4) All documents in his custody or control relating to who invented the invention described in U.S. Patent 5,630,363.

Dated: July 30, 2000.

Respectfully submitted,



William D. Harris, Jr.
State Bar No. 09109000
L. Dan Tucker
State Bar No. 20276500
Stephen D. Wilson
State Bar No. 24003187
LOCKE LIDDELL & SAPP LLP
2200 Ross Avenue, Suite 2200
Dallas, Texas 75201-6776

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that the foregoing PLAINTIFFS' NOTICE OF ORAL DEPOSITION OF STEVEN BAKER was served on Defendants' counsel by facsimile on July 30, 2000 and by certified mail, return receipt requested on July 31, 2000:

John P. Pinkerton
WORSHAM, FORSYTHE & WOOLDRIDGE, L.L.P.
1601 Bryan, 30th Floor
Dallas, Texas 75201
Telephone: 214-979-3000
Facsimile: 214-880-0011



Stephen D. Wilson
Texas Bar No. 24003187

0931596-054604

EXHIBIT A

PATENT
Our File: WILL 2501

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Reissue Application of:

BILL L. DAVIS and JESSE S. WILLIAMSON

For Reissue of U. S. Patent 5,630,363
Issued May 20, 1997
Serial No. 08/515,097

Filing Date: May 20, 1999

Serial No.: 09/315,796

For: COMBINED LITHOGRAPHIC/
FLEXOGRAPHIC PRINTING
APPARATUS AND PROCESS

§
§
§
§ Group Art Unit: 2854
§
§
§
§ Examiner: _____
§
§
§
§
§
§

DECLARATION OF STEVEN BAKER

TO: The Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

SIR:

I, Steven Baker, declare on my oath the following:

1. I am over twenty-one (21) years of age, have never been convicted of a felony and am competent to make this testimony. I reside at 207 75 Craig Drive, Heath, Texas 75032. I am currently employed as a salesman by Epic Products International Corporation, located at 280 E. Randol Mill Road, Arlington, Texas 76011.

2. From about August of 1991 through July 1997 I was employed as a salesman. Printing Research Corporation of Dallas, Texas. I was told on January 2, 1997 that I was "contractor" rather than an employee, but at that time I continued receiving business cards identifying me as a salesman of Printing Research Corporation, worked forty hours a week for Printing Research, and had an office at Printing Research. I paid my own taxes during this period. The Internal Revenue Service ruled that I was, in fact, an employee in this period of

DECLARATION OF STEVEN BAKER

W001248

Page

09/315,796

09245795-054601
103450-5645795

January 2, 1997, and I was given credit for the social security taxes I paid, and in due course I received from Printing Research a 401K contribution for 1997.

3. I graduated from East Texas State University in 1975 with a B.S. in Journalism - Printing Management and have had a career in printing and sales in the printing and food industries up until I went to work for Printing Research in August 1991.

4. Sometime in late July 1994 I met with Bill Davis and Jesse Williamson on a Sunday in Atlanta, Georgia. I remember some intense business discussions which occurred at a Morton's Steakhouse in Atlanta. The discussions are very memorable to me, in part because it was late on Sunday and we were lost in Atlanta and it took a long time to find a good place to eat which was open.

5. I was aware as of the time of this meeting that the employer of Jesse Williamson and Bill Davis, Williamson Printing Corporation, had settled a lawsuit with my employer, Printing Research Corporation, and that part of the settlement involved an obligation on the part of Williamson Printing Corporation to buy a set amount of equipment and/or supplies from Printing Research. The atmosphere was friendly at the restaurant, and in fact it was my understanding that Williamson Printing had already committed to purchasing dryer equipment from Printing Research for a line of Heidelberg printing presses to be installed at Williamson starting in late 1994 running well into 1995. In fact, as part of the Atlanta trip, I showed Jesse Williamson a Printing Research-constructed HV interstation drier at a local carton print manufacturer in the Atlanta area. I was informed of Williamson Printing Corporation's proprietary "WIMS" process concerning the printing of metallic inks, and was informed by Jesse Williamson and Bill Davis that a patent application was pending concerning the "WIMS" process. I recall being shown some Rolex watch advertisements that were part of some jewelry catalogues that were printed by what Jesse Williamson and Bill Davis described as the WIM process, and that I was impressed with the brilliance of the gold and silver in the advertisement. Jesse Williamson even picked up the bill for dinner, which was unusual, because I was a salesman trying to sell Williamson equipment.

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6. It was clear to me that the discussions took place in confidence and that Jesse Williamson and Bill Davis intended that I not publicize outside those with a need to know what was being discussed at the restaurant meeting in Atlanta.

7. Jesse Williamson and Bill Davis spoke that they had an invention to improve the WIMS process to make the metallic inks printed appear even more brilliant. They confided in me that they wanted to use flexography at a station they designated "upstream" – perhaps even the first station – of one or more offset lithographic presses that they would receive from Heidelberg. They mentioned several ways in which this could be done – by a dedicated flexographic station which would replace an existing lithographic station, by a bolt-on manually added device that would be used on a run-by-run basis, or most preferably, a retractable or "rack-back" mechanism which would have to be modified for "upstream" use. They mentioned that with respect to the rack-back option, that they would have to have with the retractable mechanism an anilox roller, a chambered doctor, and the use of state-of-the-art flexographic plates. They mentioned they had just seen the use of some of these flexographic plates in Germany, and that a number of companies sold high-resolution plates which would work in their new process. They asked me whether or not Printing Research was interested in supplying these types of rack-back or retractable devices, and I told them that Printing Research had available for modification such a rack-back which was not dissimilar to Dahlgren International's device currently sold, or other devices which were sold by our competitors. Our rack-back was developed, I recall, by a fellow Printing Research employee, John Bird, when John Bird was employed previously at another company in the eastern part of the United States. I believe that these machines were being supplied to us by a company called Effritz Tool Company.

8. Jesse Williamson and Bill Davis indicated to me that they wanted to run some tests at Printing Research using the retractable equipment which might be modified for interstation use. These tests – conducted for Williamson Printing Corporation – occurred later in 1994, I recall in October, possibly as late as November. I recall Williamson supplying the flexographic inks and the flexographic plates for these tests, conducted at their direction.

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9. After the July 1994 Atlanta meeting – a meeting in which Williamson had not yet committed to purchase the rack-back devices from Printing Research, but was interested in Printing Research's potential modification of its rack-back to fit the new and improved process of Jesse Williamson and Bill Davis, and upon my return to Dallas, I conveyed to John Bird and Steve Garner of Printing Research the confidences I had learned in Atlanta of the new process. In the months that followed, in an effort to get the business, Printing Research did start working and did develop a coater for Williamson Printing that was called "the Rendleman coater" by those of us at Printing Research, including Bird, Garner and me. The unit was modified to be cantilevered rather than linear. The mechanical engineering was done by Rendleman, who I recall was not an "idea man," but just did the mechanical design work which was requested by his superiors. In addition to John Bird and Steve Garner, I informed Howard DeMoore of the trip, although I cannot recall if I told him of all the technical details I told John Bird and Steve Garner. There were actually two cantilevered devices built for Williamson Printing Corporation – a short-arm end-of-process device first installed on the coating tower of a new 7 color Heidelberg CD – the installation I recall in late February or thereabouts – and a series of long-arm devices built for interstation use, the first deployed later in 1995.

10. I recall a meeting that took place at Williamson in January 1995 prior to the installation of the first, or short-arm device. The meeting took place, as I recall, in Conference Room E at Williamson Printing Corporation, attended by Jesse Williamson, Bill Davis, John Bird and myself. At this meeting, Jesse Williamson told John Bird and myself that he (Williamson) and Davis were going to file a patent application on the new process. I recall that going back to the offices of Printing Research, Bird was amazed that anyone could obtain patent protection on a process apart from the "iron," i.e., a device used in carrying out that process. He called it a brilliant move, but did not know whether such patenting could take place.

11. Recently, I spoke with Howard DeMoore at an industry conference in Chicago (the Graph Expo '99 Conference). Howard claimed he was amazed that Williamson – he alleged

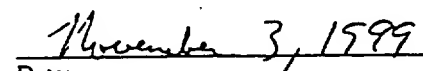
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- was claiming the "Rendleman coater" My belief is that Bird and DeMoore are confused as to the difference between claiming a process and a device to carry out that process.

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The undersigned Declarant stated further that all statements made herein of Declarant's own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such statements may jeopardize the validity of the application of any reissue patent issuing thereon.


Steven Baker


Date: November 3, 1999

W001252

THESE QUESTIONS

September 13, 1999

Bill Davis
Williamson Printing Corporation
6700 Denton Drive
Dallas, Texas 75235

Dear Bill,

In response, to your request, for information pertaining to the Wimms process and the subsequent variations thereof, I submit my recollection.

In July 1994, I met you and Jessie Williamson in Atlanta, Georgia. We toured several printing plants there with Susan Siem. During this time we discussed the Wimms process and I asked Jessie to explain to me the process. That conversation went in to a discussion as to how the process could be applied. At that time, I recall, Jessie talked about applying or printing litho ink over flexo ink in-line on an offset printing press. This would be upstream or on the first and or second printing units. One of the companies we toured had installed a Printing Research HV drier in one of its presses. I assumed, the reason for the interest, was that for this process to work, the flexo ink would need to be dry prior to applying the litho ink, or dry trapping the litho over the flexo ink.

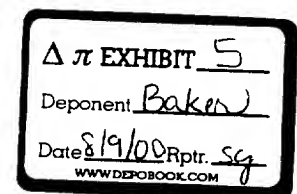
At this particular time, Printing Research had only developed the "Easy Coater", and we discussed the possibility of installing a variation of this coater between printing units and then using the HV drier to set the flexo ink prior to applying the litho ink. Upon my return to Dallas, this was conveyed to John Bird and Steve Garner. In the months that followed, Printing Research did develop a coater for Williamson that was called, "the Rendelman coater", by those of us at Printing Research. For testing and at the request of Heidelberg, I recall, we first installed this unit on the coating tower of a new 7 color Heidelberg CD. Later, another was built that went on to the first printing unit of the press.

I hope this sheds some light. It is, to the best of my recollection, the order of the events as they happened.

Cordially,

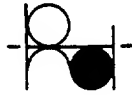


Steven Baker



W000764

10270 94760



Printing Research, Inc.

"Mark-less" Super Blue"

December 16, 1994

Mr. Bill Davis
Williamson Printing Corporation
6700 Denton Drive
Dallas TX 75229

Dear Bill,

We have enclosed drawings showing the 5 Heidelberg Speedmaster CD press configurations ordered by yourselves.

We look forward to our test runs on the Super Blue EZ Blanket Coater next week.

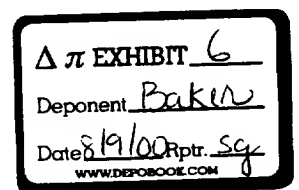
Sincerely yours,

John Bird
Product Manager


JB:ln

Enclosures: dwa

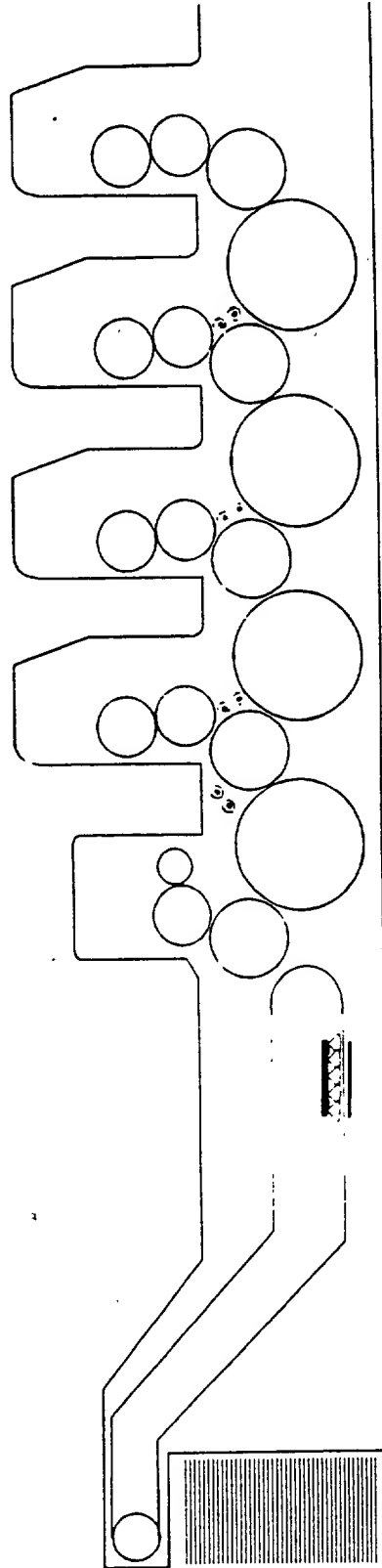
cc: Steve Baker






W000341

 Williamson Printing Corporation
Press No. 1, 2, 4 & 5

Heidelberg
Speedmaster CD
with Coating Tower
and Extended Delivery



Legend:

-  Super Blue Wash-Free Anti-Marking Cylinder
-  Super Blue Air Blanket Infrared Dryer
-  Super Blue High Velocity Hot Air Dryer

Printing Research, Inc.

FOR THE PEOPLE

MEMORANDUM

To: Jerry Williamson

From: Bill Davis

Subject: R&D Projects

Date: 12/16/94

Please find listed below various R&D Projects pending at this time.

1. Relief Plate System: A system for exposing and processing relief plates to be used on the tower coaters of our S/F presses. Also relief plates with a steel back will be needed for a UV coater on one of our web presses. BASF appears to have the best system at this time. Proposals have been submitted indicating a system cost of about \$80,000.

2. Test PRI EZ Coater (cartridge coater): The cartridge coater system made by Printing Research needs to be tested to see how suitable it is for our needs. Suggested locations for the system are as follows:

A. The 1st. printing unit for running water based metallic ink the WIMS process. Opaque white and other strong water based inks. Inter-station HV drying will have to work for this to be successful.

B. The last printing unit for coatings both gloss and dull, spot and flood coat.

C. The tower coater for water based metallic ink.

The system is needed for application of any material which has particles that need to be kept in suspension while running such as metallics or scratch and sniff. The price for the basic system is \$54,950.

3. Test Heidelberg Chambered Doctor System: This version of a cartridge coater replaces the conventional (film split) coater on the coating tower. The concern is that some of the versatility is lost when the film split coater is removed. This unit will be tested at Heidelberg in January. The cost of this system is \$60,750.

4. Register Clamps: Additional register clamps will be needed for the printing units. Heidelberg price is \$8,730 per set including installation.

5. Materials Testing: Various materials need to be tested for their suitability. Tests on a conventional coater, cartridge coater and the LYL press should be done. Materials to be tested are:

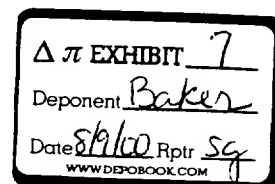
- * Water based metallics
- * Water based opaque white
- * Water based strong colors
- * Scratch and sniff
- * Blister pack coatings

Please find attached the schedule for press testing some of the above items.

Respectfully

Bill L. Davis

CONFIDENTIAL
SUBJECT TO
PROTECTIVE ORDER



W000340



Printing Research, Inc.
"Mark-less" Super Blue"

December 16, 1994

Mr. Bill Davis
Williamson Printing Corporation
6700 Denton Drive
Dallas TX 75229

Dear Bill,

We have enclosed drawings showing the 5 Heidelberg Speedmaster CD press configurations ordered by yourselves.

We look forward to our test runs on the Super Blue EZ Blanket Coater next week.

Sincerely yours,

John Bird
Product Manager

JB:ln

Enclosures: dwa

cc: Steve Baker

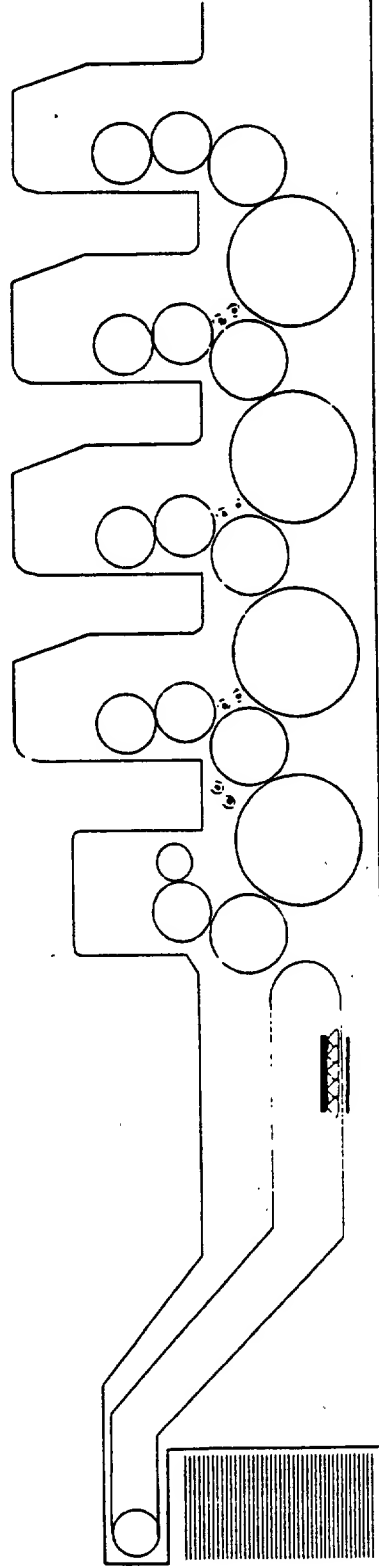
W000341



Williamson Printing Corporation

Press No. 1, 2, 4 & 5

Heidelberg
Speedmaster CD
with Coating Tower
and Extended Delivery

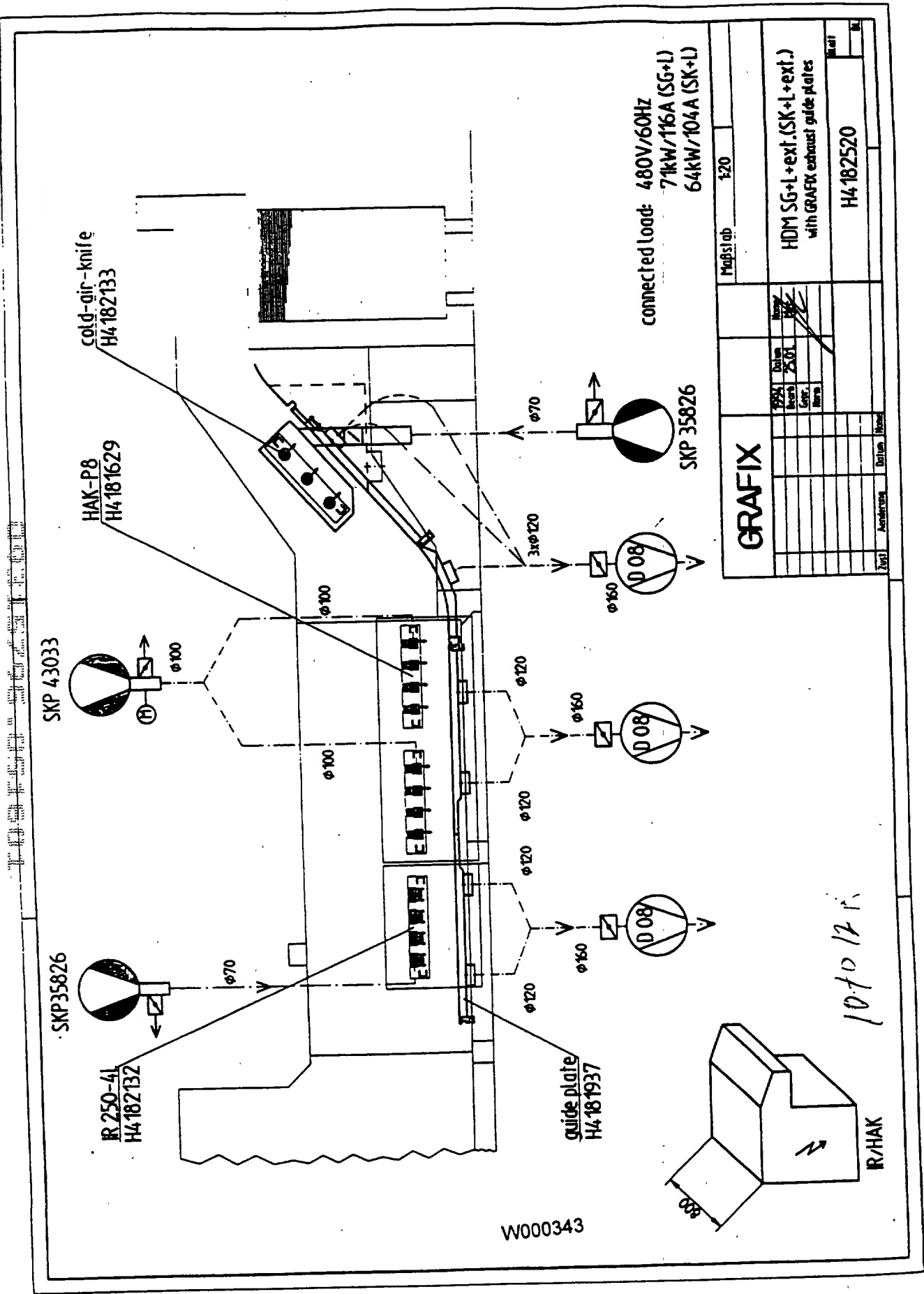


Legend:

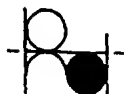
- Super Blue® Wash-Free Anti-Marking Cylinder
- ▤ Super Blue® Air Blanket Infrared Dryer
- ⊗ Super Blue® High Velocity Hot Air Dryer

Printing Research, Inc.

W000342



FOR THE



Printing Research, Inc.

"Mark-less" Super Blue™

January 25, 1995

Mr. Jesse Williamson
Williamson Printing Corporation
6700 Denton Drive
Dallas TX 75235

214-904-2100 (Phone)

Dear Jesse,

It was a great pleasure speaking with you. We have enclosed product information and the following Super Blue proposal for installation on your:

Heidelberg 102CD+L+Y+L, 6 color, 40 inch press with extension

We propose:

- A Super Blue EZB Blanket Coater for installation at the blanket cylinder.

The benefits to you of installing the Super Blue Coater System are as follows:

- Automatic recirculation system
- Automated wash up procedure
- Consistent overall coating weight
- Sealed doctor blade assembly
- Totally independent of dampening system
- Elimination of lengthy wash up procedures

We look forward to serving your needs and thank you for your interest in our Super Blue range of products. For more information please contact us at 1-800-627-5537.

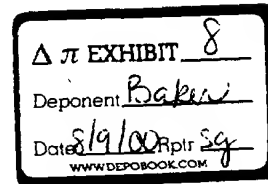
Sincerely yours,

Steve Baker
District Sales Manager

SB:nw

Enclosures: *11/PRO/DWG*

cc: Bill Davis - Williamson Printing Corporation
John Bird
Steve Garner



W000394

67

PRINTING RESEARCH, INC.
TERMS OF PROPOSAL

1. **PRICING:** Prices are based on clear access to and within the press to install our standard equipment. Any variance, deviation or encumbrance will be subject to price review. Installation is priced separately and all electrical, plumbing, engineering or other contracted services including materials to prepare the site for installation are the customer's responsibility.
2. **TERMS:** 40% with purchase order and signed sales contract. 50% upon notification of readiness for shipment. Please note in order to release shipments, payment must be received. Balance 30 days after installation or 45 days from delivery, whichever is earlier.
Please Note, when payment for a unit is due, it is payable without regard to the status of another unit which might be purchased at the same time.
3. **WARRANTY CONDITIONS:** 12 months on defective parts. **EXCEPTION:** UV Lamps - Guaranteed for 1000 operating hours. If failure occurs prior to 1000 hours of operation and after seller's inspection, proves to be due to manufacturing defects; 100% credit or a free replacement lamp will be provided.
4. **CONDITIONS OF SALE:** This quotation is subject to our "General Terms and Conditions for Coating and Drying Systems" on reverse of Summary. The company accepts no liability whatsoever for any loss of production, loss of profit or other loss to customer in connection with the equipment and/or its installation.
5. **STANDARD DELIVERY:** Is usually 12 - 16 weeks from receipt of official order and first stage payment. FOB Factory.
6. **INSTALLATION AND TRAINING:** \$575.00 per day per man plus airfare. (\$85 per hour if work day exceeds 8 hours).
7. **ELECTRICAL STANDARD:** 220/240, 460/480 volts, 3 or 4 wire (Delta or Wye) 60 hz. Existing electrical services must be specified on the purchase order.

Notes: A. AB1 Air Blanket 1 Infrared Dryer BV BacVac Vacuum Transfer System standard electrical supply voltage 220/240 volts.
B. AB11 Air Blanket 11 Infrared Dryer standard electrical supply voltage 460/480 volts.

Electrical service other than that quoted above may cause a delay and an additional charge for a transformer.

8. **SERVICES TO BE PAID FOR AND PROVIDED BY CUSTOMER:**

GENERAL: Buyer agrees to prepare the press for installation, which may require relocating accessories including spray powder units, static bars, etc. Any relocation or modification of accessories will be the sole responsibility of the buyer. In the event Printing Research (P.R.I.) technicians are requested to modify or relocate any accessory, there will be an additional charge assessed to the buyer based on P.R.I.'s applicable hourly rate. P.R.I. will not warranty the performance of any accessories moved. When applicable, the buyer will supply clean, dry compressed air.

IIV/PBC/IR/UV/EZ/BV/VII

The customer agrees to supply and pay for electricians, plumbers, engineering services and all materials required to install and interconnect (if necessary) the equipment being supplied by Printing Research, Inc. The electrical, plumbing, water, compressed air and refrigeration lines being supplied by the customer are to be connected to the equipment being installed. Printing Research, Inc. is responsible for activating the installed systems and will supply the labor necessary in that regard.

9. **ADDITIONAL SPECIFIC SERVICES TO BE PROVIDED BY CUSTOMER:**

IIV (High Velocity Hot Air Dryer)

- Provide duct work and duct work extraction.
- Provide raised walkplates to cover air supply and return lines lying on the floor.

PBC (Plate Blanket Coater)

- Provide coating and cleaning agent for testing and training.
- 55 gallon barrel of hydraulic oil
- Compressed air line up to 100 p.s.i.
- Lifting gear to place coater on press
- Provide relief plate to conduct plate coating test.

UV (Water Cooled and 'Cold' UV)

- Duct work and extraction, if required
 - Clean, dry compressed air adjacent to within 10 feet of the location of lamps; compressor must be able to deliver 0.5 c.f.m. per linear inch per lamp at up to 100 p.s.i.
 - The chilling system is not precharged with refrigerant due to the variability of installation requirements and is priced accordingly.
- The customer agrees to pay for all refrigerant needed to complete the installation.

'COLD' UV

- Provide 25-50 gallons of non-charcoal filtered steam distilled water.

EZ (EZ Impression Cylinder Coater)

- Compressed air line up to 100 p.s.i.
- Provide coating and cleaning agent for testing and training.
- Grippers and gripper bar assemblies need to be cleaned and tuned prior to installation.

VII (Vent-A-Hood)

- Provide all duct work including penetrating and resealing the ceiling and/or roof and electrical interconnections to other equipment.

10. **LOCAL INSPECTIONS, PERMITS OR CERTIFICATIONS:**

- Any additional local inspections, permits or certifications and the costs thereof are the sole responsibility of the buyer.

Prices are firm 60 days from the date of this proposal.

W000396

09/30/94

TESTED & SATISFIED

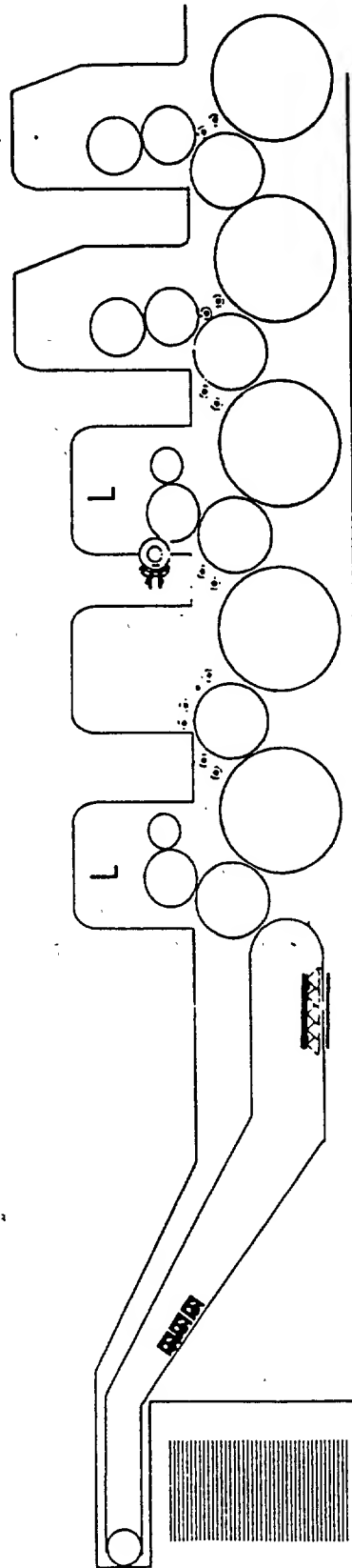


Williamson Printing Corporation

Press No. 3

Heidelberg Speedmaster CD LYL

with Coating Tower
and Extended Delivery

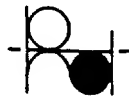


Legend:

- Super Blue® Wash-Free Anti-Marking Cylinder
- ▨ Super Blue® Air Blanket Infrared Dryer
- ◐ Super Blue® High Velocity Hot Air Dryer
- ◑ Super Blue® 'Cold' Ultra Violet Dryer
- ⊙ Super Blue® EZB Blanket Coater

Printing Research, Inc.

W000397



Printing Research, Inc.

"Mark-less" Super Blue!

09525

Williamson Printing Corporation

January 25, 1995

SUMMARY OF PROPOSAL

for

HEIDELBERG 102CD+L+Y+L 6/CT/Y/CT / 40

<u>QTY</u>	<u>EQUIPMENT</u>	<u>PRICE</u>
1	SUPER BLUE EZB BLANKET COATER (EZB)	<u>\$ 54,634.</u>
	TOTAL EQUIPMENT (FOB Factory)	\$ 54,634.

FREIGHT PREPAID AND ADDED TO INVOICE, INSTALLATION AND
TRAINING CHARGED AT \$575. PER DAY PER MAN PLUS AIRFARES

<u>QTY</u>	<u>RECOMMENDED SPARE PARTS</u>	<u>UNIT PRICE</u>	<u>EXTENSION</u>
1	SPARE LASER ENGRAVED CERAMIC APPLICATOR ROLL ASSEMBLY	3,300.	\$ 3,300.
1	DOCTOR BLADE ASSEMBLY	3,315.	<u>3,315.</u>
	TOTAL RECOMMENDED SPARE PARTS		\$ 6,615.

'Proposal', 'Sales Terms and Conditions' on Reverse Side and 'Terms of Proposal' Accepted by:

NAME _____

TITLE _____

SIGNATURE _____

DATE _____

W000398

PRINTING RESEARCH, INC.
SALES TERMS AND CONDITIONS

1. **PAYMENT.** Invoices will be issued as of the date of delivery covering deliveries from Seller's stocks and as of the date of shipment covering direct shipments and shall become due, payable in lawful money of the United States, upon the issuance thereof unless otherwise specifically agreed in writing. Payment terms shall be as stated on the invoice.

DISCOUNT. Cash discount as noted will be allowed by payment on or before the date specified. No cash discount will be allowed on freight.

3. **LATE CHARGE.** All unpaid items will be charged at 1 1/2% per month late charge, not to exceed the maximum charge permitted by law.
4. **FORCE MAJEURE.** Sales are subject to Force Majeure including fires, strikes, disputes with workmen, floods, accidents, embargoes, delays in transportation, shortage of cars, shortage of fuel or other material, shortage of labor, action by Federal or local government or its agencies, and to any other causes beyond reasonable control of the Seller. The acceptance of any order or specification and terms of payment on all sales and orders is subject to approval of the Credit Department of the Seller.
5. **BUYER'S DUTY TO INSPECT.** Buyer must immediately inspect all material for shortages, conformity with order, and defects. All material claimed to be defective shall be held for inspection by the Seller. Claims for shortage or deductions for erroneous charges must be presented within fifteen (15) days after receipt of the goods or they will not be allowed. No material will be taken back and credited or replaced unless accompanied by the Seller's return authorization number. If goods appear defective or damaged, or injured due to transit, their use should be discontinued and the Seller must be notified within fifteen (15) days. All products are furnished in accordance with the disclaimers of warranty and conditions of sale of the Seller.
6. **DISCLAIMER OF WARRANTIES; NO LIABILITY FOR CONSEQUENTIAL DAMAGES.** The Seller further warrants that should the original purchaser of "Mark-less" Super Blue System sold hereunder fails to be satisfied within thirty (30) days of installation of the system that marking problems (and make-ready time) have been significantly reduced, the Seller will refund the original purchaser's money and pay for all shipping charges incurred by the original purchaser in returning the good(s) to Seller.

The Seller warrants for one year that any EQUIPMENT, exclusive of nets and patented Super Blue coating or covering, are free from any material manufacturing defects and Seller will replace or repair any such equipment at no charge.

THESE WARRANTIES ARE GIVEN EXPRESSLY AND IN LIEU OF ANY AND ALL OTHER EXPRESS OR IMPLIED WARRANTIES, INCLUDING MERCHANTABILITY AND FITNESS FOR PARTICULAR PURPOSE OR USE AND THESE WARRANTIES CONSTITUTE THE ONLY WARRANTIES MADE BY THE SELLER. The obligations of the Seller under these warranties are limited as provided hereinabove and liability is excluded for incidental or consequential damages incurred as a result of the breach of these or any other express or implied warranties.

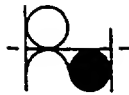
The Seller shall, in addition, not be liable for any warranties or representations made by any salesman, agent or officer that do not appear hereinabove and the purchaser is hereby placed on actual notice that no person or other firm has either the actual or apparent authority to modify this warranty.

Neither the Seller, nor any of its agents or employees shall be responsible for any injury or damage caused to persons or property due to negligent use or handling of the goods sold hereunder, or for any damages or losses due to any defects in the machinery used in connection therewith.

7. **MILL VARIATIONS.** All products are produced subject to: (i) mill tolerances and variations in respect of dimension, weight, straightness, surface conditions, composition, mechanical properties, internal conditions, and quality; and (ii) deviations from such tolerances and variations consistent with practical testing and inspection methods. All representations and certifications on the part of the Seller with reference to such products shall be limited by the foregoing.

ENFORCEMENT OF TERMS. Forbearance or failure of the Seller to enforce any of these conditions or to exercise any right arising from any default of the Buyer shall not affect or impair the Seller's rights in case such default continues or in case of any subsequent default of the Buyer, and such forbearance or failure will not act as a waiver in case of other or future defaults of the Buyer.

9. **APPLICABLE LAW; TAXES.** THIS CONTRACT SHALL BE GOVERNED BY AND CONSTRUED ACCORDING TO THE LAWS OF THE STATE OF TEXAS. EXCLUSIVE VENUE AND JURISDICTION OF ANY DISPUTE INVOLVING THIS CONTRACT SHALL LIE IN DALLAS COUNTY, TEXAS. ANY TAX IMPOSED BY ANY LAW ON THE SALE OF ARTICLES MADE OR SOLD BY THE SELLER SHALL BE IN ADDITION TO THE SALE PRICE THEREOF.
10. **DEFAULT.** If the Buyer fails to fulfill the terms of payment on any order, in addition to exercising any remedies available to it under law, the Seller may defer further shipments until such payments are made, or may, at its option, cancel the order. The Seller reserves the right, even after partial shipment on account of any order, to require from the Buyer satisfactory security for performance of the Buyer's obligations, and refusal to furnish such security will entitle the Seller to suspend shipments until such security is furnished, and at its option, to cancel the order.
11. **PRICES AND ACCEPTANCE.** Prices for the materials or services covered herein may be adjusted to Seller's prices in effect at the time of shipment. Acceptance of orders, and deliveries thereunder, are at all times subject to the approval of Seller at Dallas, Texas.
12. **MODIFICATION AND ASSIGNMENT.** No agreement or understanding in any way modifying the conditions of this order shall be binding upon Seller unless made in writing and approved by Seller. This order together with its attached specifications and drawings, if any, constitutes the entire agreement between the parties, and prior negotiations and writings are superseded and supplanted hereby. This agreement may not be assigned by Buyer without the written consent of Seller. Buyer's printed forms (such as Purchase Orders, Confirmations, and Request for Quotations) are agreed to be inapplicable to this sale.
13. **INSTALLATION AND INSTRUCTION.** If the Seller is to install the goods sold and the Buyer's site is not prepared for installation, the Buyer is responsible for the cost of storage. Buyer must also reimburse the Seller for the cost of changes to the equipment which must be made on the job site and which were not specified in the original purchase order. Buyer agrees to wire motors, connect power to equipment, and supply electrical and air outlets to equipment where it is required. In order to erect the equipment on schedule, the buyer must provide an electrician labor, equipment and materials deemed necessary at the time of installation. Buyer's own personnel and/or supervisor must also be available during the period of instruction. Seller will make a technician available during the installation and instruction period at the rates posted in the Seller's Service Rate Schedule. Additional charges will be made for delays caused by Buyer which require our technician to incur above normal expenses.
14. **SHIPMENT.** Under no circumstance shall failure to ship timely constitute a breach or default hereunder or subject the Seller to any liability. Shipment shall be F.O.B. Seller's plant.
15. **CANCELLATION OF ORDER.** Firm orders accompanied by a deposit are not subject to cancellation. If the Buyer delays shipment or installation, an invoice, according to the Seller's Terms of Payment, will be issued to the Buyer when equipment is ready for shipment.
- INDEMNIFICATION.** BUYER SHALL INDEMNIFY AND HOLD HARMLESS SELLER, ITS OFFICERS, DIRECTORS, EMPLOYEES, AGENTS, CONTRACTORS AND REPRESENTATIVES (COLLECTIVELY, "INDEMNIFIED PARTY") FROM AND AGAINST ANY AND ALL LIABILITIES, JUDGMENTS, COSTS, ATTORNEYS' FEES, OR CLAIMS FOR INJURIES OR DAMAGES TO ANY PERSON OR PROPERTY ARISING OUT OF OR IN CONNECTION WITH THE PERFORMANCE, OR FAILURE TO PERFORM, OF THE INDEMNIFIED PARTY WHILE ON THE BUYER'S PREMISES, INCLUDING BUT NOT LIMITED TO THE ACTIVE OR PASSIVE NEGLIGENCE OF THE INDEMNIFIED PARTY.
17. **ATTORNEYS' FEES.** In the event it becomes necessary for Seller to institute legal proceedings to collect the cost of any charges as set forth herein, Buyer shall pay to Seller reasonable attorneys' fees where permitted by law.



Printing Research, Inc.

"Mark-less" Super Blue"

EZB 09525

Williamson Printing Corporation

January 25, 1995

**PROPOSAL
for
SUPER BLUE EZB™ BLANKET COATER**

<u>PRESS</u>	<u>COLOR/SIZE</u>	<u>PRICE</u>
HEIDELBERG 102CD+L+Y+L	6/CT/Y/CT / 40	\$ 54,634.

RECOMMENDED SPARE PARTS:

One Spare Laser Engraved Anilox Roll Assembly
One Spare Doctor Blade Assembly

PURPOSE

Application of aqueous or UV coatings to the blanket cylinder of a press unit for overall or pattern coating.

APPLICATION

Paper, Card, Carton Board, Corrugated, Plastic, Foil

CONFIGURATION

Speed control of the Anilox applicator roll is maintained through throttling valves linked to a tacho-generator.

Start/Stop controls are interlocked with press controls to suit. The Anilox applicator roll is laser engraved ceramic. The doctor blade assembly coating chamber is a specially sealed unit with a positive pump drain. Automatic cleaning recirculation system.

Enclosures: Sales Terms and Conditions
Terms of Proposal

W000400

044596 044596



Printing Research, Inc.

"Mark-less" Super Blue®

February 16, 1995

Mr. Jesse Williamson
Williamson Printing Company
6700 Denton Drive
Dallas, Texas 75235

214-904-2100 (Phone)

Dear Jesse,

Further to our meeting of 2-11-95 we confirm the following:

1. We are producing an experimental EZ interstation flexo printer coater for installation on your Heidelberg Speedmaster CD 6 color + LYL, 40 inch press with a target to be installed and operational date of March 15, 1995. This unit for adaptation to the first coating tower of the LYL.
2. The experimental EZ coater will have a coating face length of 39.5 inches. Production models for the Coater position 'L' will have a coating face length of 40.55 inches and for interstation printing unit positions will have a coating face length of not less than 38 inches.
3. The experimental EZ coater will be supplied at no charge to Williamson Printing Company. We anticipate that this unit will be replaced by a production unit at a later date.
4. We have enclosed updated proposals for Super Blue EZ interstation flexo printer coaters for installation on your Heidelberg Speedmaster CD presses.

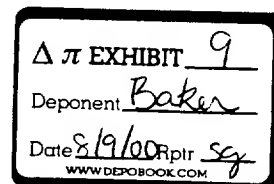
We look forward to serving your needs and thank you for your interest in our Super Blue range of products. For more information please contact us at 1-800-627-5537.

Sincerely yours,

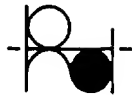
John Bird
Product Manager

JB:tj

cc: Bill Davis - Williamson Printing Company
Howard DeMoore
Steve Garner
Ed Schaffler
Dave Douglas
Steve Baker



W000425



Printing Research, Inc.
"Mark-less" Super Blue!

095216
Williamson Printing Company
February 16, 1995

SUMMARY OF PROPOSAL
for
HEIDELBERG SPEEDMASTER CD 6+LYL / 40

<u>QTY</u>	<u>EQUIPMENT</u>	<u>PRICE</u>
1	SUPER BLUE EZ INTERSTATION FLEXO PRINTER COATER (EZI)	<u>\$ 62,084.</u>
	TOTAL EQUIPMENT (FOB Factory)	\$ 62,084.

*** DELIVERED AND INSTALLED**

<u>QTY</u>	<u>RECOMMENDED SPARE PARTS</u>	<u>PRICE</u>
1	SPARE LASER ENGRAVED CERAMIC APPLICATOR ROLL ASSEMBLY	<u>\$ 3,300.</u>
1	DOCTOR BLADE ASSEMBLY	<u>3,315.</u>
	TOTAL RECOMMENDED SPARE PARTS	\$ 6,615.

'Proposal', 'Sales Terms and Conditions' on Reverse Side and 'Terms of Proposal' Accepted by:

NAME

TITLE

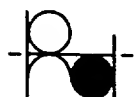
SIGNATURE

DATE

W000426

PRINTING RESEARCH, INC.
SALES TERMS AND CONDITIONS

1. **PAYMENT.** Invoices will be issued as of the date of delivery covering deliveries from Seller's stocks and as of the date of shipment covering direct shipments and shall become due, payable in lawful money of the United States, upon the issuance thereof unless otherwise specifically agreed in writing. Payment terms shall be as stated on the invoice.
2. **DISCOUNT.** Cash discount as noted will be allowed by payment on or before the date specified. No cash discount will be allowed on freight.
LATE CHARGE. All unpaid items will be charged at 1 1/2% per month late charge, not to exceed the maximum charge permitted by law.
FORCE MAJEURE. Sales are subject to Force Majeure including fires, strikes, disputes with workmen, floods, accidents, embargoes, delays in transportation, shortage of cars, shortage of fuel or other material, shortage of labor, action by Federal or local government or its agencies, and to any other causes beyond reasonable control of the Seller. The acceptance of any order or specification and terms of payment on all sales and orders is subject to approval of the Credit Department of the Seller.
5. **BUYER'S DUTY TO INSPECT.** Buyer must immediately inspect all material for shortages, conformity with order, and defects. All material claimed to be defective shall be held for inspection by the Seller. Claims for shortage or deductions for erroneous charges must be presented within fifteen (15) days after receipt of the goods or they will not be allowed. No material will be taken back and credited or replaced unless accompanied by the Seller's return authorization number. If goods appear defective or damaged, or injured due to transit, their use should be discontinued and the Seller must be notified within fifteen (15) days. All products are furnished in accordance with the disclaimers of warranty and conditions of sale of the Seller.
6. **DISCLAIMER OF WARRANTIES; NO LIABILITY FOR CONSEQUENTIAL DAMAGES.** The Seller further warrants that should the original purchaser of "Mark-less" Super Blue System sold hereunder fails to be satisfied within thirty (30) days of installation of the system that marking problems (and make-ready time) have been significantly reduced, the Seller will refund the original purchaser's money and pay for all shipping charges incurred by the original purchaser in returning the good(s) to Seller.
The Seller warrants for one year that any EQUIPMENT, exclusive of nets and patented Super Blue coating or covering, are free from any material manufacturing defects and Seller will replace or repair any such equipment at no charge.
THESE WARRANTIES ARE GIVEN EXPRESSLY AND IN LIEU OF ANY AND ALL OTHER EXPRESS OR IMPLIED WARRANTIES, INCLUDING MERCHANTABILITY AND FITNESS FOR PARTICULAR PURPOSE OR USE AND THESE WARRANTIES CONSTITUTE THE ONLY WARRANTIES MADE BY THE SELLER. The obligations of the Seller under these warranties are limited as provided hereinabove and liability is excluded for incidental or consequential damages incurred as a result of the breach of these or any other express or implied warranties.
The Seller shall, in addition, not be liable for any warranties or representations made by any salesman, agent or officer that do not appear hereinabove and the purchaser is hereby placed on actual notice that no person or other firm has either the actual or apparent authority to modify this warranty.
Neither the Seller, nor any of its agents or employees shall be responsible for any injury or damage caused to persons or property due to negligent use or handling of the goods sold hereunder, or for any damages or losses due to any defects in the machinery used in connection therewith.
7. **MILL VARIATIONS.** All products are produced subject to: (i) mill tolerances and variations in respect of dimension, weight, straightness, surface conditions, composition, mechanical properties, internal conditions, and quality; and (ii) deviations from such tolerances and variations consistent with practical testing and inspection methods. All representations and certifications on the part of the Seller with reference to such products shall be limited by the foregoing.
8. **ENFORCEMENT OF TERMS.** Forbearance or failure of the Seller to enforce any of these conditions or to exercise any right arising from any default of the Buyer shall not affect or impair the Seller's rights in case such default continues or in case of any subsequent default of the Buyer, and such forbearance or failure will not act as a waiver in case of other or future defaults of the Buyer.
9. **APPLICABLE LAW; TAXES. THIS CONTRACT SHALL BE GOVERNED BY AND CONSTRUED ACCORDING TO THE LAWS OF THE STATE OF TEXAS. EXCLUSIVE VENUE AND JURISDICTION OF ANY DISPUTE INVOLVING THIS CONTRACT SHALL LIE IN DALLAS COUNTY, TEXAS. ANY TAX IMPOSED BY ANY LAW ON THE SALE OF ARTICLES MADE OR SOLD BY THE SELLER SHALL BE IN ADDITION TO THE SALES PRICE THEREOF.**
10. **DEFAULT.** If the Buyer fails to fulfill the terms of payment on any order, in addition to exercising any remedies available to it under law, the Seller may defer further shipments until such payments are made, or may, at its option, cancel the order. The Seller reserves the right, even after partial shipment, on account of any order, to require from the Buyer satisfactory security for performance of the Buyer's obligations, and refusal to furnish such security will entitle the Seller to suspend shipments until such security is furnished, and at its option, to cancel the order.
11. **PRICES AND ACCEPTANCE.** Prices for the materials or services covered herein may be adjusted to Seller's prices in effect at the time of shipment. Acceptance of orders, and deliveries thereunder, are at all times subject to the approval of Seller at Dallas, Texas.
12. **MODIFICATION AND ASSIGNMENT.** No agreement or understanding in any way modifying the conditions of this order shall be binding upon Seller unless made in writing and approved by Seller. This order together with its attached specifications and drawings, if any, constitutes the entire agreement between the parties, and prior negotiations and writings are superseded and supplanted hereby. This agreement may not be assigned by Buyer without the written consent of Seller. Buyer's printed forms (such as Purchase Orders, Confirmations, and Request for Quotations) are agreed to be inapplicable to this sale.
13. **INSTALLATION AND INSTRUCTION.** If the Seller is to install the goods sold and the Buyer's site is not prepared for installation, the Buyer is responsible for the cost of storage. Buyer must also reimburse the Seller for the cost of changes to the equipment which must be made on the job site and which were not specified in the original purchase order. Buyer agrees to wire motors, connect power to equipment, and supply electrical and air outlets to equipment where it is required. In order to erect the equipment on schedule, the buyer must provide an electrician labor, equipment and materials deemed necessary at the time of installation. Buyer's own personnel and/or supervisor must also be available during the period of instruction. Seller will make a technician available during the installation and instruction period at the rates posted in the Seller's Service Rate Schedule. Additional charges will be made for delays caused by Buyer which require our technician to incur above normal expenses.
14. **SHIPMENT.** Under no circumstance shall failure to ship timely constitute a breach or default hereunder or subject the Seller to any liability. Shipment shall be F.O.B. Seller's plant.
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INDEMNIFICATION. BUYER SHALL INDEMNIFY AND HOLD HARMLESS SELLER, ITS OFFICERS, DIRECTORS, EMPLOYEES, AGENTS, CONTRACTORS AND REPRESENTATIVES (COLLECTIVELY, "INDEMNIFIED PARTY") FROM AND AGAINST ANY AND ALL LIABILITIES, JUDGMENTS, COSTS, ATTORNEYS' FEES, OR CLAIMS FOR INJURIES OR DAMAGES TO ANY PERSON OR PROPERTY ARISING OUT OF OR IN CONNECTION WITH THE PERFORMANCE, OR FAILURE TO PERFORM, OF THE INDEMNIFIED PARTY WHILE ON THE BUYER'S PREMISES, INCLUDING BUT NOT LIMITED TO THE ACTIVE OR PASSIVE NEGLIGENCE OF THE INDEMNIFIED PARTY.
17. **ATTORNEYS' FEES.** In the event it becomes necessary for Seller to institute legal proceedings to collect the cost of any charges as set forth herein, Buyer shall pay to Seller reasonable attorneys' fees where permitted by law.



Printing Research, Inc.

"Mark-less" Super Blue™

EZI 095216

Williamson Printing Company

February 16, 1995

PROPOSAL

for

SUPER BLUE EZ™ INTERSTATION FLEXO PRINTER COATER

<u>PRESS</u>	<u>COLOR/SIZE</u>	<u>PRICE</u>
HEIDELBERG SPEEDMASTER CD	6+LYL / 40	\$ 62,084.

RECOMMENDED SPARE PARTS:

One Spare Laser Engraved Anilox Roll Assembly
One Spare Doctor Blade Assembly

PURPOSE

Application of aqueous or UV coatings to the blanket cylinder of a press unit for overall or pattern coating.

APPLICATION

Paper, Card, Carton Board, Corrugated, Plastic, Foil

CONFIGURATION

Speed control of the Anilox applicator roll is maintained through throttling valves linked to a tacho-generator.

Start/Stop controls are interlocked with press controls to suit. The Anilox applicator roll is laser engraved ceramic. The doctor blade assembly coating chamber is a specially sealed unit with a positive pump drain. Automatic cleaning recirculation system.

Enclosures: Sales Terms and Conditions
Terms of Proposal

Deliver 10 weeks from order

W000428

PRINTING RESEARCH, INC.
TERMS OF PROPOSAL

1. **PRICING:** Prices are based on clear access to and within the press to install our standard equipment. Any variance, deviation or encumbrance will be subject to price review. Installation is priced separately and all electrical, plumbing, engineering or other contracted services including materials to prepare the site for installation are the customer's responsibility.
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Please Note, when payment for a unit is due, it is payable without regard to the status of another unit which might be purchased at the same time.
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4. **CONDITIONS OF SALE:** This quotation is subject to our "General Terms and Conditions for Coating and Drying Systems" on reverse of Summary. The company accepts no liability whatsoever for any loss of production, loss of profit or other loss to customer in connection with the equipment and/or its installation.
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7. **ELECTRICAL STANDARD:** 220/240, 460/480 volts, 3 or 4 wire (Delta or Wye) 60 hz. Existing electrical services must be specified on the purchase order.

Notes: A. AB1 Air Blanket 1 Infrared Dryer BV BacVac Vacuum Transfer System standard electrical supply voltage 220/240 volts.

B. AB11 Air Blanket 11 Infrared Dryer standard electrical supply voltage 460/480 volts.

Electrical service other than that quoted above may cause a delay and an additional charge for a transformer.

8. **SERVICES TO BE PAID FOR AND PROVIDED BY CUSTOMER:**

GENERAL: Buyer agrees to prepare the press for installation, which may require relocating accessories including spray powder units, static bars, etc. Any relocation or modification of accessories will be the sole responsibility of the buyer. In the event Printing Research (P.R.I.) technicians are requested to modify or relocate any accessory, there will be an additional charge assessed to the buyer based on P.R.I.'s applicable hourly rate. P.R.I. will not warranty the performance of any accessories moved. When applicable, the buyer will supply clean, dry compressed air.

IIV/PBC/IR/UV/EZ/BV/VII

The customer agrees to supply and pay for electricians, plumbers, engineering services and all materials required to install and interconnect (if necessary) the equipment being supplied by Printing Research, Inc. The electrical, plumbing, water, compressed air and refrigeration lines being supplied by the customer are to be connected to the equipment being installed. Printing Research, Inc. is responsible for activating the installed systems and will supply the labor necessary in that regard.

9. **ADDITIONAL SPECIFIC SERVICES TO BE PROVIDED BY CUSTOMER:**

IIV (High Velocity Hot Air Dryer)

- Provide duct work and duct work extraction.
- Provide raised walkplates to cover air supply and return lines lying on the floor.

PBC (Plate Blanket Coater)

- Provide coating and cleaning agent for testing and training.
- 55 gallon barrel of hydraulic oil
- Compressed air line up to 100 p.s.i.
- Lifting gear to place coater on press
- Provide relief plate to conduct plate coating test.

UV (Water Cooled and 'Cold' UV)

- Duct work and extraction, if required
- Clean, dry compressed air adjacent to within 10 feet of the location of lamps; compressor must be able to deliver 0.5 c.f.m. per linear inch per lamp at up to 100 p.s.i.
- The chilling system is not precharged with refrigerant due to the variability of installation requirements and is priced accordingly. The customer agrees to pay for all refrigerant needed to complete the installation.

'COLD' UV

- Provide 25-50 gallons of non-charcoal filtered steam distilled water.

EZ (EZ Impression Cylinder Coater)

- Compressed air line up to 100 p.s.i.
- Provide coating and cleaning agent for testing and training.
- Grippers and gripper bar assemblies need to be cleaned and tuned prior to installation.

VII (Vent-A-Hood)

- Provide all duct work including penetrating and resealing the ceiling and/or roof and electrical interconnections to other equipment.

10. **LOCAL INSPECTIONS, PERMITS OR CERTIFICATIONS:**

- Any additional local inspections, permits or certifications and the costs thereof are the sole responsibility of the buyer.

Prices are firm 60 days from the date of this proposal.

W000429

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11970-962700

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

PRINTING RESEARCH, INC.
and HOWARD W. DEMOORE,

Plaintiffs,

v.

WILLIAMSON PRINTING
CORPORATION, BILL L. DAVIS and
JESSE S. WILLIAMSON,

Defendants.

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CIVIL ACTION NO. 3-99CV1154-M

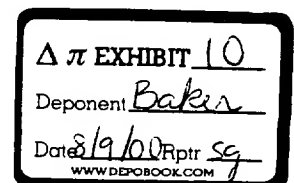
**DEFENDANTS' RESPONSES TO
PLAINTIFFS' FIRST REQUESTS FOR ADMISSION**

Pursuant to Rule 36, Fed. R. Civ. P., Defendants Williamson Printing Corporation, Bill L. Davis and Jesse S. Williamson state the following for their responses to Plaintiffs' first requests for admission.

General Objections

A. Defendants object to Plaintiffs' instructions to the extent they seek to impose any duties or obligations in addition to or beyond those imposed by the Federal Rules of Civil Procedure and the Local Rules of this Court.

B. Defendants object to Plaintiffs' instruction number 3 to the extent it requires a separate answer for each Defendant on the grounds that it is unnecessary and unduly burdensome, oppressive and expensive. One response will be provided to each request for admission, and it shall apply to all Defendants unless otherwise noted.



C. Defendants object to each request for admission containing the term "Lithoflex® process" and to Plaintiffs' definition number 8 because they are based on the false premise that the process of printing by first applying flexographic printing or coating and then applying lithographic printing to the same substrate in a single pass is the intellectual property of the owner of the trademark Lithoflex®, Plaintiff Printing Research, Inc. Contrary to Plaintiffs' premise, this process was invented by Defendants Bill L. Davis and Jesse S. Williamson and is claimed in United States Patent No. 5,630,363, which is owned by WPC.

D. Defendants object to each request for admission using the term "and" or "or" on the grounds they are compound, vague, ambiguous and indefinite. Defendants further object to each such request considered together with Plaintiffs' definition number 5 on these same grounds and on the ground that they are virtually impossible to comprehend or respond to with the multiple definitions of terms.

Specific Responses and Objections

REQUEST 1: Admit that you did not design coater head 44 that is identified as part of coater apparatus 43 in Figure 2 of U.S. Patent No. 5,630,363.

RESPONSE:

Defendants object to this request as vague and indefinite because the term "design" is undefined and susceptible to several meanings. Subject to, and without, waiving this and the general objections, Defendants respond as follows:

To the extent the term "design" means "conceive", "invent", "to have as a goal or purpose", "intend" or other similar meaning, the request is denied because Bill Davis and Jesse Williamson conceived the idea, among other things, of using a retractable printer/coater device having a coater head of a type such as coater head 44, which was well known in the art, equipped with an anilox roller for use with their invention as described and claimed in the '363 patent, and

this idea, as well as other details of their invention, were disclosed to representatives of Plaintiff Printing Research, Inc ("PRI") beginning in July 1994. To the extent that the term "design" means specifying the mechanical "details of how something is to be made", the request is admitted.

REQUEST 2: Admit on your best information and belief that coater head 44, which is identified as part of coater apparatus 43 in Figure 2 of U.S. Patent No. 5,630,363, was designed by an employee or officer of Printing Research, Inc. or someone acting on its behalf.

RESPONSE:

Defendants object to this request as vague and indefinite because the term "designed" is undefined and susceptible to several meanings. Subject to, and without waiving, this and the general objections, Defendants respond as follows:

To the extent the term "designed" means "conceived", "invented", "to have as a goal or purpose", "intended" or other similar meaning, the request is denied because Bill Davis and Jesse Williamson conceived the idea, among other things, of using a retractable printer/coater device having a coater head of a type such as coater head 44, which was well known in the art, equipped with an anilox roller for use with their invention as described and claimed in the '363 patent, and this idea, as well as other details of their invention, were disclosed to representatives of PRI beginning in July 1994. To the extent that the term "designed" means specifying the mechanical "details of how something is to be made", the request cannot be admitted or denied because, upon reasonable inquiry, the information known or reasonably available to Defendants is insufficient to enable Defendants to admit or deny, although Defendants believe that Ron Rendleman was involved in specifying the mechanical details of the coater head.

REQUEST 3: Admit that you did not design the lifting apparatus that is part of coater apparatus 43 in Figure 2 of U.S. Patent No. 5,630,363.

RESPONSE:

Defendants object to this request as vague and indefinite as the term "lifting apparatus" is not defined and is not used in the '363 patent. Defendants further object to this request as vague and indefinite because the term "design" is undefined and susceptible to several meanings.

Subject to, and without waiving, these objections, Defendants respond as follows:

To the extent the term "design" means "conceive", "invent", "to have as a goal or purpose", "intend" or other similar meaning, the request is denied because Bill Davis and Jesse Williamson conceived the idea, among other things, of using a retractable printer/coater device employing retraction and/or lifting mechanisms that were well known in the industry and within the level of ordinary skill in the art, like the lifting apparatus shown in Figure 2 of the '363 patent, and this idea, as well as other details of their invention, were disclosed to representatives of PRI beginning in July 1994. To the extent that the term "design" means specifying the mechanical "details of how something is to be made", the request is admitted.

REQUEST 4: Admit on your best information and belief that the lifting apparatus mentioned in the previous Request was designed by an employee or officer of Printing Research, Inc. or someone acting on its behalf.

RESPONSE:

Defendants object to this request as vague and indefinite as the term "lifting apparatus" is not defined and is not used in the '363 patent. Defendants further object to this request as vague and indefinite because the term "designed" is undefined and susceptible to several meanings.

Subject to, and without waiving, these objections, Defendants respond as follows:

To the extent the term "designed" means "conceived", "invented", "to have as a goal or purpose", "intended" or other similar meaning, the request is denied because Bill Davis and Jesse Williamson conceived the idea, among other things, of using a retractable printer/coater device employing retraction and/or lifting mechanisms that were well known in the art and within the level of ordinary skill in the art, like the lifting apparatus as shown in Figure 2 of the '363 patent, and this idea, as well as other details of their invention, were disclosed to representatives of PRI beginning in July 1994. To the extent that the term "designed" means specifying the mechanical "details of how something is to be made", the request cannot be admitted or denied because, upon reasonable inquiry, the information known or reasonably available to Defendants is insufficient to enable Defendants to admit or deny, although Defendants believe that Ron Rendleman was involved in specifying the mechanical details of the lifting apparatus.

REQUEST 5: Admit that you did not conceive the "Ferris wheel concept" whereby coater head 44 hangs from arm 47 of coater apparatus 43 shown in Figure 2 of U.S. Patent No. 5,630,363 like a chair in a Ferris wheel.

RESPONSE:

Subject to, and without waiving the general objections, Defendants respond as follows:

Bill Davis and Jesse Williamson conceived the idea, among other things, of using a retractable printer/coater device employing retraction and/or lifting mechanisms that were well known in the art and within the level of ordinary skill in the art, like the coater head 44 hanging from arm 47 as a chair in a Ferris wheel, and this idea, as well as other details of their invention, were disclosed to representatives of PRI beginning in July 1994. Thus, Defendants deny the request to this extent, and admit that the Ferris wheel concept is old in the art.

REQUEST 6: Admit on your best information and belief that the "Ferris wheel concept" mentioned in the previous Request was conceived of by an employee or officer of Printing Research, Inc. or someone acting on its behalf.

RESPONSE:

Subject to, and without waiving, the general objections, Defendants respond as follows:

Denied

REQUEST 7: Admit that you did not design coater apparatus 43 shown in Figure 2 of U.S. Patent No. 5,630,363.

RESPONSE:

Defendants object to this request as vague and indefinite because the term "design" is undefined and susceptible to several meanings. Subject to, and without waiving this and the general objections, Defendants respond as follows:

To the extent the term "design" means "conceive", "invent", "to have as a goal or purpose", "intend" or other similar meaning, the request is denied because Bill Davis and Jesse Williamson conceived the idea, among other things, of using a retractable printer/coater device having a coater apparatus of a type such as coater apparatus 43 equipped with an anilox roller, which were well known in the art and within the level of ordinary skill in the art, for use with their invention as described and claimed in the '363, and this idea, as well as other details of their invention, were disclosed to representatives of PRI beginning in July 1994. To the extent that the term "designed" means specifying the mechanical "details of how something is to be made", the request cannot be admitted or denied because, upon reasonable inquiry, the information known or reasonably available to Defendants is insufficient to enable Defendants to admit or deny, although Defendants believe that Ron Rendleman was involved in specifying the mechanical

details of the coater apparatus.

REQUEST 8: Admit on your best information and belief that coater apparatus 43 was designed by an employee or officer of Printing Research Inc. or someone acting on its behalf

RESPONSE:

Defendants object to this request as vague and indefinite because the term "designed" is undefined and susceptible to several meanings. Subject to, and without waiving, this and the general objections, Defendants respond as follows:

To the extent the term "designed" means "conceived", "invented", "to have as a goal or purpose", "intended" or other similar meaning, the request is denied because Bill Davis and Jesse Williamson conceived the idea, among other things, of using a retractable printer/coater device having a coater apparatus of a type such as coater apparatus 43 equipped with an anilox roller, which were well known in the art and within the level of ordinary skill in the art, for use with their invention as described and claimed in the '363 patent, and this idea, as well as other details of their invention, were disclosed to representatives of PRI beginning in July 1994. To the extent that the term "designed" means specifying the mechanical "details of how something is to be made", the request cannot be admitted or denied because, upon reasonable inquiry, the information known or reasonably available to Defendants is insufficient to enable Defendants to admit or deny, although Defendants believe that Ron Rendleman was involved in specifying the mechanical details of the coater apparatus.

REQUEST 9: Admit that coater head 44 in Figure 2 of U.S. Patent No. 5,630,363 was not designed by someone working under you in accordance with your directions.

RESPONSE:

Subject to, and without waiving, the general objections, Defendants respond as follows:

Denied

REQUEST 10: Admit that the lifting apparatus which is part of coater apparatus 43 in Figure 2 of U.S. Patent No. 5,630,363 was not designed by someone working under you in accordance with your directions.

RESPONSE:

Subject to, and without waiving, the general objections, Defendants respond as follows:

Denied

REQUEST 11: Admit that the "ferris wheel concept" whereby coater head 44 in Figure 2 of U.S. Patent No. 5,630,363 hangs from arms 47 by means of pivot 48 was not conceived by someone working under you in accordance with your directions.

RESPONSE:

Subject to, and without waiving, the general objections, Defendants respond as follows:

Denied

REQUEST 12: Admit that coater apparatus 43 as shown in Figure 2 of U.S. Patent No. 5,630,363 was copied from illustrations or drawings that were made by or for Printing Research, Inc.

RESPONSE:

Defendants object to this request on the grounds that it is vague and indefinite due to the multiple use of the term "or." Subject to, and without waiving, this and the general objections, Defendants respond as follows:

Defendants admit that a crude drawing furnished by PRI of the coating apparatus to be made by PRI at the request of Defendants for use with the invention of the '363 patent was modified to prepare Figure 2 of the '363 patent. Upon reasonable inquiry, the information

known or reasonably available to Defendants is insufficient to enable Defendants to admit or deny the remainder of this request, except Defendants deny that any PRI drawing was copied.

REQUEST 13: Admit that coater apparatus 43 as shown in Figure 2 of U.S. Patent No. 5,630,363 was prepared by someone having before them at the time of preparation, illustrations or drawings of a coater apparatus that had been made by or for Printing Research, Inc.

RESPONSE:

Defendants object to this request on the grounds that it is vague and indefinite due to the multiple use of the term "or." Subject to, and without waiving, this and the general objections,

Defendants respond as follows:

Defendants admit that a crude drawing furnished by PRI of the coating apparatus to be made by PRI at the request of Defendants for use with the invention of the '363 patent was modified to prepare Figure 2 of the '363 patent. Upon reasonable inquiry, the information known or reasonably available to Defendants is insufficient to enable Defendants to admit or deny the remainder of this request.

REQUEST 14: Admit that the illustrations or drawings referred to in the previous Request were Plaintiffs' property.

RESPONSE:

Defendants object to this request on the ground of relevancy and on the grounds that it is vague, ambiguous and indefinite to the extent it seeks to imply or infer that ownership of a crude drawing may evidence anything in regard to inventorship with respect to the invention of the '363 patent. Subject to, and without waiving, these and the general objections, Defendants respond as follows:

Upon reasonable inquiry, the information known or reasonably available to Defendants is insufficient to enable Defendants to admit or deny this request.

REQUEST 15: Admit that you did not pay Printing Research, Inc. for printing trials that were conducted in your presence in December 1994 at the facilities of Printing Research, Inc.

RESPONSE:

Defendants object to this request on the grounds it is vague and ambiguous due to use of the terms "printing trials" and "pay" which are not defined. Subject to, and without waiving, these and the general objections, Defendants respond as follows:

Defendants admit that press tests concerning spot coating of selected images, as well as other tests, all of which were planned, requested and directed by Bill Davis, were performed at PRI in December 1994 and that Defendants did not provide monetary consideration to PRI for such tests. In all other respects, this request is denied.

REQUEST 16: Admit that you did not pay for labor or materials associated with the printing trials mentioned in the previous Request except to the extent you may have supplied some inks or coatings you wanted to see tested.

RESPONSE:

Subject to, and without waiving, the general objections, Defendants respond as follows:

Denied

REQUEST 17: Admit that you did not pay for the experimental printer-coater, which is referred to in paragraph 3 of the Joint Declaration.

RESPONSE:

Defendants object to this request on the grounds that it is vague and ambiguous due to use of the term "pay" which has different meanings. Subject to, and without waiving, this and the general objections, Defendants respond as follows:

Defendants admit that the experimental printer/coater was constructed after the invention of the '363 patent was disclosed to representatives of PRI and in response to Bill Davis' and Jesse Williamson's request for PRI to construct a retractable printer/coater for use with their invention that resulted in the '363 patent and that, although PRI received consideration for the construction and testing of the experimental coater/printer, Defendants did not supply monetary consideration to PRI for this device.

REQUEST 18: Admit that Printing Research, Inc. bore the expense of building and installing the experimental printer-coater mentioned in the previous Request on a Williamson Printing Corporation press on a "no charge" basis.

RESPONSE:

Subject to, and without waiving, the general objections, Defendants respond as follows:

Defendants admit that the experimental printer/coater was constructed after the invention of the '363 patent was disclosed to representatives of PRI and in response to Bill Davis' and Jesse Williamson's request for PRI to construct a retractable printer/coater for use with the '363 invention and that, although PRI received consideration for the construction and testing of the experimental coater/printer, Defendants did not supply monetary consideration to PRI for this device. Defendants further admit that employees of PRI and WPC were involved in the installation of the experimental printer/coater on a WPC press. In all other respects, this request is denied or, upon reasonable inquiry, the information known or reasonably available to Defendants is insufficient to enable Defendants to admit or deny.

REQUEST 19: Please refer to paragraphs I - 3 of the Joint Declaration. Admit you knew Printing Research's Lithoflex® coater, erroneously referred to in paragraph I of the Joint Declaration as the plate blanket coater (PBC), could not be used at an interstation position on any of Williamson Printing Corporation's new printing presses.

RESPONSE:

Defendants object to this request because it incorrectly assumes and states that the references to the plate blanket coater in paragraphs 1 - 3 of the Joint Declaration should refer to the Lithoflex coater. Subject to, and without waiving, this and the general objections, Defendants respond as follows:

Defendants deny that PRI's plate blanket coater could not be modified for interstation use on any of WPC's new Heidelberg printing presses based on the disclosure to PRI of Bill Davis' and Jesse Williamson's invention.

REQUEST 20: Admit that the flexographic printing/coating systems you "researched and observed" in 1994 as stated in the first paragraphs of the Joint Declaration, were all intended to be installed at the end of a lithographic press and not at an interstation position.

RESPONSE:

Subject to, and without waiving, the general objections, Defendants respond as follows:

Defendants cannot admit or deny this request to the extent it refers to flexographic printing/coating systems as being "intended" to be installed at the end of a lithographic press and not at an interstation position because Defendants do not have sufficient knowledge or information of the intent of the manufacturers or suppliers of these systems to provide a response, except with respect to PRI's plate blanket coater and, as to it, this request is admitted. Defendants admit that the flexographic printing/coating systems of which they had knowledge in 1994 were all installed end-of-press.

REQUEST 21: Admit that none of the printing/coating systems you "researched and observed" as stated in the previous Request which employed an anilox roller to apply liquids, were designed for interstation use in a lithographic press.

RESPONSE:

Subject to, and without waiving, the general objections, Defendants respond as follows:

Defendants cannot admit or deny this request to the extent it refers to the flexographic printing/coating systems as not being "designed for interstation use in a lithographic press" because Defendants, upon reasonable inquiry, do not have sufficient knowledge or information of the purposes for which these systems were designed by their manufacturers. Defendants admit that the flexographic printing/coating system that employed an anilox roller, which Defendants had knowledge of in the fall of 1994, was installed end-of-press.

REQUEST 22: Admit that the second experimental printer/coater identified in paragraph 5 of the Joint Declaration was not installed on the first station of Williamson Printing Corporation's seven-color press and was in fact installed after the last lithographic printing station on the tower coater.

RESPONSE:

Defendants object to this request on the grounds that a "second experimental printer/coater" is not mentioned in paragraph 5 of the Joint Declaration. Subject to, and without waiving, this and the general objections, Defendants respond as follows:

Defendants admit that the second flexographic printer/coater as referred to in the declaration, which was the first nonexperimental flexographic printer/coater, was installed on the first printing station of WPC's six-color press in late August 1995. In all other respects, this request is denied.

REQUEST 23: Admit that you never told Printing Research, Inc. that you were filing the patent application that became U.S. Patent No. 5,630,363.

RESPONSE:

Subject to, and without waiving, the general objections, Defendants respond as follows:

Denied

REQUEST 24: Admit on your best information and belief that you had no reason to believe Printing Research, Inc. or any of its officers or employees had found out prior to May 20, 1997 that you had filed or prosecuted the application that became U.S. Patent No. 5,630,363.

RESPONSE:

Subject to, and without waiving, the general objections, Defendants respond as follows:

Denied

REQUEST 25: Admit that you never intended to inform Printing Research, Inc. that you were filing or prosecuting the application that became U.S. Patent No. 5,630,363.

RESPONSE:

Subject to, and without waiving, the general objections, Defendants respond as follows:

Denied

REQUEST 26: Admit that you did not tell Printing Research, Inc. that U.S. Patent No. 5,630,363 had issued on May 20, 1997 until after you learned that Printing Research, Inc. had discovered that fact from some person or persons other than you.

RESPONSE:

Subject to, and without waiving, the general objections, Defendants respond as follows:

Defendants deny that they withheld any information from PRI about the issuance of the '363 patent. Defendants admit that Bill Davis and Jesse Williamson informed Steve Baker and John Bird in January 1995 that WPC was going to file a patent application on its '363 process and that neither they nor anyone else at PRI subsequently inquired about the status of the application.

Defendants further admit that Jesse Williamson acknowledged the existence of the '363 patent when asked about it by Howard DeMoore in January 1999.

REQUEST 27: Admit that prior to December 1998 you never sent Printing Research, Inc. a copy of U.S. Patent No. 5,630,363.

RESPONSE:

Defendants object to this request because it incorrectly assumes that WPC gave PRI a copy of the '363 patent in December 1998. Subject to, and without waiving, this and the general objections, Defendants respond as follows:

Admitted

REQUEST 28: Admit that until at least December 1998, you had no reason to believe Printing Research, Inc. had any knowledge of the existence of U.S. Patent No. 5,630,363.

RESPONSE:

Subject to, and without waiving, the general objections, Defendants respond as follows:

Denied

REQUEST 29: Admit that during 1995 you engaged in a series of negotiations with representatives of Printing Research, Inc. with the aim and purpose of seeking Printing Research, Inc.'s permission for a limited time of exclusive use of the Lithoflex® process by Williamson Printing Corporation.

RESPONSE:

Subject to, and without waiving, the general objections, Defendants respond as follows:

Denied

REQUEST 30: Admit that the effect of the negotiations mentioned in the previous Request was that Printing Research, Inc. agreed to voluntarily limit its efforts to sell or to offer to sell equipment for the Lithoflex® process so that Williamson Printing Corporation could have exclusive use for a limited time.

RESPONSE:

Subject to, and without waiving, the general objections, Defendants respond as follows:

Denied

REQUEST 31: Admit on your best information and belief that Printing Research, Inc. did, for a limited time, limit its efforts to sell or to offer to sell equipment for the Lithoflex® process thus giving Williamson Printing Corporation exclusive use.

RESPONSE:

Subject to, and without waiving, the general objections, Defendants respond as follows:

Upon reasonable inquiry, the information known or reasonably available to Defendants is insufficient to enable Defendants to admit or deny.

REQUEST 32: Admit that you knew Printing Research, Inc. was offering Lithoflex® equipment for sale after the negotiated period mentioned in the previous two Requests but that you did not inform them that you possessed U.S. Patent No. 5,630,363.

RESPONSE:

Subject to, and without waiving, the general objections, Defendants respond as follows:

Denied

REQUEST 33: Admit that a letter dated April 27, 1999 from Howard W. DeMoore to Jerry Williamson entitled Lithoflex® Process and Apparatus U.S. Patent No. 5,630,363 was received by Jerry Williamson.

RESPONSE:

Subject to, and without waiving, the general objections, Defendants respond as follows:

Defendants admit that a letter dated April 27, 1999 from Howard DeMoore to Jerry Williamson was received by Jerry Williamson, but Defendants deny it was so "entitled."

REQUEST 34: Admit that the letter dated April 27, 1999 mentioned above asked for proofs to evaluate your claims that Williamson Printing Corporation "developed" U.S. Patent - No. 5,630,363, that Williamson employees are the only inventors of the subject matter and that the only involvement of Printing Research, Inc. was to design or build the equipment.

RESPONSE:

In addition to the general objections, Defendants object to this request on the grounds that the letter of April 27, 1999 speaks for itself and that the contents of the letter are not in issue in this litigation.

REQUEST 35: Admit that "written documentation that will demonstrate that you are correct in your position" with respect to U.S. Patent No. 5,630,363 was requested in the letter dated April 27, 1999 mentioned in Request 33.

RESPONSE:

In addition to the general objections, Defendants object to this request on the grounds that the letter of April 27, 1999 speaks for itself and that the contents of the letter are not in issue in this litigation.

REQUEST 36: Admit that at least as early as the letter of April 27, 1999 referred to in Request 33, Howard W. DeMoore asked Jerry Williamson for "your proofs to evaluate your claim" with regard to the issue of inventorship of the '363 patent and your contention that the only involvement of Printing Research, Inc. was to design Lithoflex® equipment at your request.

RESPONSE:

In addition to the general objections, Defendants object to this request on the grounds that the letter of April 27, 1999 speaks for itself and that the contents of the letter are not in issue in this litigation.

REQUEST 37: Admit that in the aforesaid letter of April 27, 1999, Howard W. DeMoore asked to see copies of your drawings and specifications regarding your contention that Printing Research, Inc. merely designed the Lithoflex® apparatus at your request.

RESPONSE:

In addition to the general objections, Defendants object to this request on the grounds that the letter of April 27, 1999 speaks for itself and that the contents of the letter are not in issue in this litigation.

REQUEST 38: Admit that prior to the filing of this lawsuit, you refused in a letter dated May 5, 1999 to provide Howard W. DeMoore with the documentation or proof he requested in the April 27, 1999 letter mentioned in the previous Requests.

RESPONSE:

In addition to the general objections, Defendants object to this request on the grounds that the letter of May 5, 1999 speaks for itself and that the contents of the letter are not in issue in this litigation.

REQUEST 39: Admit that prior to the filing of this lawsuit, you refused in a letter dated May 5, 1999 to provide Howard W. DeMoore the name of any Williamson Printing Corporation employee or officer who supposedly asked Printing Research, Inc. to design Lithoflex® equipment and refused to provide him the date on which such a request was made of Printing Research, Inc.

RESPONSE:

In addition to the general objections, Defendants object to this request on the grounds that the letter of May 5, 1999 speaks for itself and that the contents of the letter are not in issue in this litigation.

Continue


ATTORNEYS FOR DEFENDANTS

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Defendants' Responses to Plaintiffs' First Requests for Admission were mailed by first class United States mail, postage prepaid, on this 9th day of June, 2000, to Plaintiffs' attorney addressed as follows:

William D. Harris, Jr.
LOCKE LIDDELL & SAPP, LLP
2200 Ross Ave., Suite 2200
Dallas, Texas 75201



John P. Pinkerton

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CONFIDENTIAL



US005370976A

United States Patent [19]

[11] Patent Number: 5,370,976

Williamson et al.

[45] Date of Patent: Dec. 6, 1994

[54] METALLIC COLOR PRINTING PROCESS

[75] Inventors: Jesse S. Williamson, Dallas; George V. Barnaby, Irving; Gary V. Dougherty, Dallas, all of Tex.

[73] Assignee: Williamson Printing Corporation, Dallas, Tex.

[21] Appl. No.: 887,510

[22] Filed: May 22, 1992

[51] Int. Cl.³ G03C 7/00; G03C 5/00; G03F 9/00; H04N 1/21

[52] U.S. Cl. 430/358; 430/359; 430/22; 430/30; 358/798; 358/534; 358/536

[58] Field of Search 430/358, 359, 30, 293, 430/301, 21, 143, 43, 44, 347; 106/19 R; 358/75; 80, 534, 536, 298

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The Photoengraver Bulletin, Nov. 1949, pp. 43-44.

"Pantone® Metallic Integrated Process Color Selector", by Pantone Metallic-Bunddruck-Farbskala (Pantone).

"Lithographic Guidelines For Metallic Integrated Process Printing" (Crofield).

Primary Examiner—Charles L. Bowers, Jr.

Assistant Examiner—J. Pasterczyk

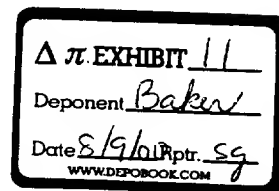
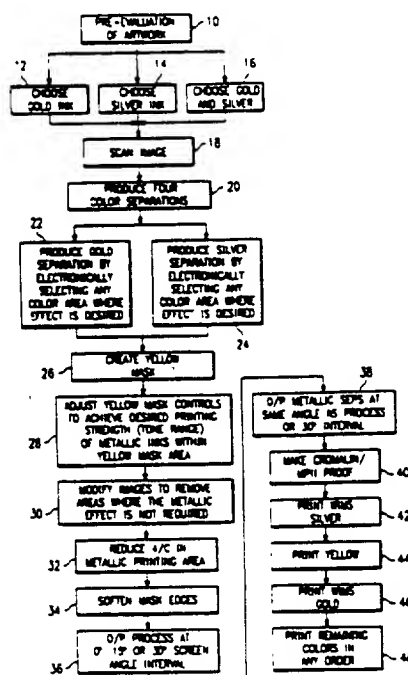
Attorney, Agent, or Firm—Jones, Day, Reavis & Pogue

[57]

ABSTRACT

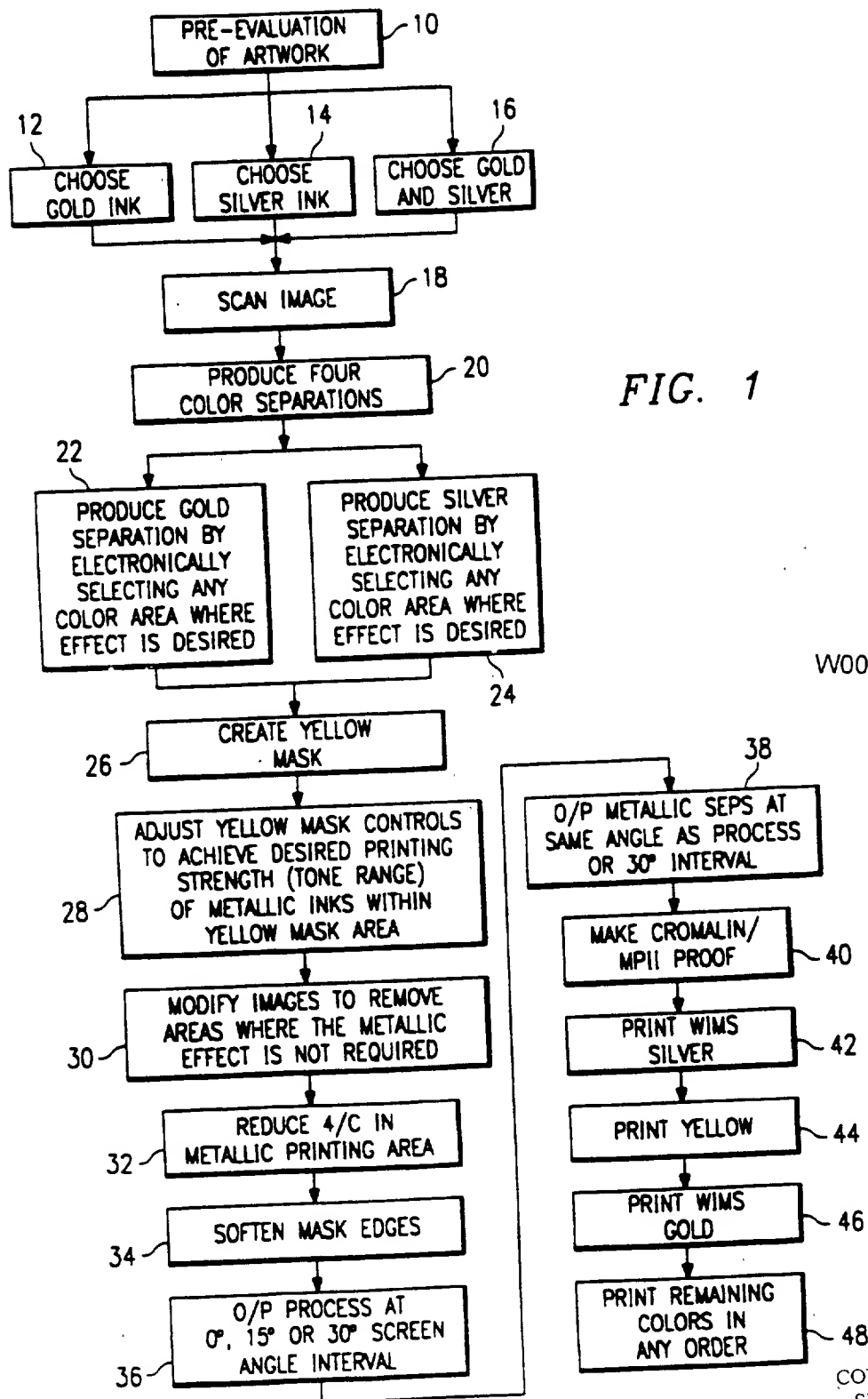
A method of reproducing on a substrate an image incorporating metallic inks involves scanning (18) the image to be reproduced and creating (20) four color separations of the scanned image. Metallic gold and/or metallic silver color separations (22, 24) are created by electronically selecting any color area where the effect is desired. Next, the color separations are edited by creating (26) an electronic yellow mask of the image and adjusting (28) the desired tonal range of the metallic areas. The mask edges of each color separation can also be softened (34). The scanner then outputs (36, 38) the separations to film. The image is then reproduced by printing each of the process color separation films (44, 48) and the metallic separation films (42, 46) onto a substrate.

12 Claims, 2 Drawing Sheets

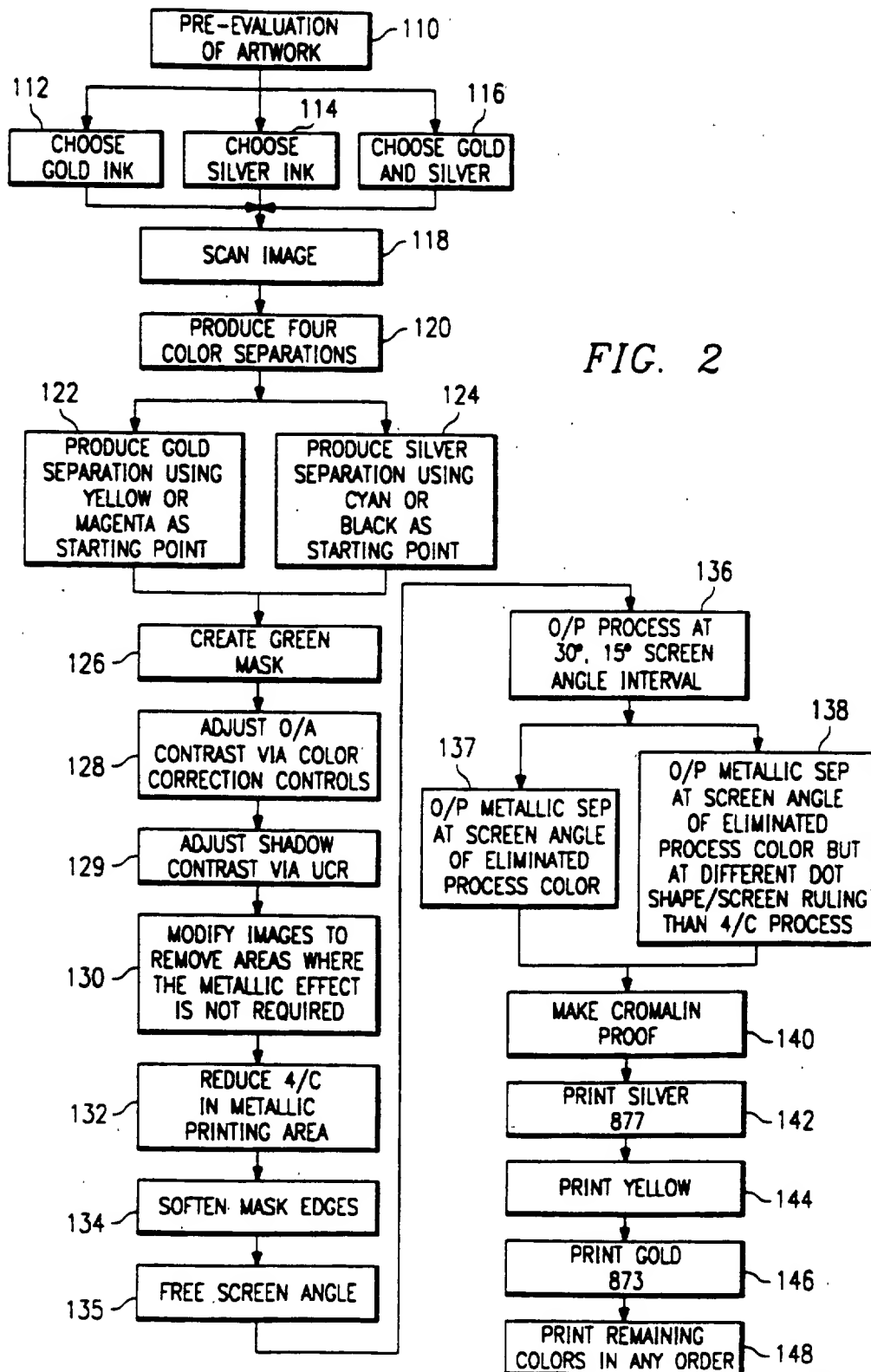


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METALLIC COLOR PRINTING PROCESS

TECHNICAL FIELD OF THE INVENTION

The present invention relates to a metallic color printing process. Specifically, this method produces an improved metallic image by printing the subtractive primary colors, black, metallic gold and/or metallic silver at four screen angles.

BACKGROUND OF THE INVENTION

The reproduction of color was first achieved by Scottish physicist James Maxwell in the mid 1850's. Maxwell photographed a scene three times, once through a red filter, once through a green filter, and once through a blue filter. These black-and-white negatives were contacted to produce positives that were then mounted as slides. Each slide was placed in a different projector and the images were focused together on a screen. A red, green, or blue filter was placed over the lens of each respective projector, thus producing a color image on the screen.

The first single film image for color photography was produced by Louis Ducos du Hauron in France in the late 1860's. In his system, the image on a black-and-white panchromatic emulsion was broken up by a series of red, green, and blue transparent dots or lines that formed a screen in front of the emulsion. The dots and lines were so small that they could not be resolved by the eye. After exposure, the film was reversal-processed to yield a colored positive transparency. The additive-color transparency is still used by the Polaroid Corporation with their 35-mm Polachrome slide process.

The development of the subtractive color systems was also pioneered by du Hauron. He suggested making separation negatives through red, green, and blue filters, then making positive transparencies from each, dyeing them with colors that absorb each respective primary color (i.e. cyan, magenta, and yellow). This subtractive method is difficult to use because it requires the accurate registration of the colored positives or the accurate registration of images from dyed positive matrices. The solution was a three-emulsion film, each layer made sensitive to a different color (red, green, or blue) and then dyed a different color (cyan, magenta, or yellow) in processing. The first successful film of this type was Kodachrome, introduced by the Eastman Kodak Company in 1935.

Printed color reproduction is based on many of the same principles as film color reproduction. Instead of a continuous image, allowed by the film medium, a series of dots are printed on a substrate. These dots are printed in the subtractive primary colors of cyan, magenta, and yellow. Additionally, black is used to adjust the contrast of the image. In the subtractive process, a white substrate is used and red, green, and blue are essentially subtracted to achieve black. By contrast, in the additive system, a black background (i.e. a blank TV screen) is used, and red, green, and blue are added to achieve white. In the additive system the following combinations create the following results.

Red + Green = Yellow
Red + Blue = Magenta
Green + Blue = Cyan
Red + Green + Blue = White

In the subtractive process, the following is true:
White + Yellow + Cyan = Green

White - Magenta - Cyan = Blue

White - Magenta - Yellow = Red

White + Yellow + Magenta + Cyan = Black

Moreover, each subtractive primary color when added with white produces that same subtractive primary color.

The objective in printing is to produce yellow, magenta, and cyan printing plates that are negative records of the amounts of blue, green, and red in the original. This is achieved by first photographing the original, in turn, through blue, green, and red filters. These films may then be converted into a halftone dot image suitable for a given printing process. The films are then used to make the image carriers, which may be plates, cylinders, or stencils. Each plate is inked with its appropriate ink, which is then transferred to a white substrate.

The image produced is largely dependant upon dot size and orientation. Orientation is defined primarily by the screen angle of the dot. The screen angle is the angle at which the rulings of a halftone screen are set when making screened images. In other words, the screen angle of a dot is the angle of the line which bisects the often elliptical dots. Standard screen angles have been established for various colors of dots: Magenta (45°), Cyan (75°), Yellow (90°), Black (105°). The interaction of screen angle, color, and dot size effect the quality of the reproduction.

Printing metallic colors, such as metallic gold and metallic silver, poses additional problems. Gold has typically been treated as a shade of yellow, while silver has been treated as a shade of gray. Thus the brilliance of these colors is diminished by the blending of hues which occurs in a four color printing system.

A system known as Metallic Integrated Printing Process (MIPP) has been developed for the reproduction of metallic colors by Eckart-Werke Metal Pigments and Powders of Furth, Bayern, Germany. This system requires numerous steps. First, a designer marks-up the artwork to be copied to designate those areas where the MIPP system is required, i.e. metallic colored areas. Next, a conventional four color separation is produced of the artwork. Each separation is then compared to the original artwork to see which separation gives the best representation of the metallic colors. Based on the object color in the original photograph and the color requirements of the final print, a determination is then made whether gold or silver is required. Most shades of gold can be obtained from silver and yellow. However, a high percentage of yellow on silver greatly reduces the metallic brilliance. In addition, silver has a grey value of approximately 30% that tends also to reduce the metallic brilliance and thereby dirty colors.

After the four color separations are made, two separations used to print the metallic inks must be developed from two of the four separations. Typically the cyan or black separation will give the best basis for developing the silver separation and either the yellow or magenta for the gold separation. The selected separations are then duplicated to become the gold and silver separations. These separations may require modification to remove image areas where a metallic effect is not required. Comparison with the original transparency may indicate the need to enhance some image areas so as to improve the final metallic effect. The MIPP system anticipates the softening of mask edges of the metallic colors to avoid sharp cut-out effects when the final result is printed. In practice, the task of softening of

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mask edges can be handled using electronic image processing equipment.

With the MIPP system, a screen angle must be freed for each of the metallic inks to avoid problems of screen clash and resulting moire effects. This can be accomplished by using achromatic or Under Color Removal, ("UCR") color separation techniques where the process color with the lowest value is eliminated in favor of black. UCR involves the technique of reducing the cyan, magenta, and yellow content in neutral grey shadow areas of a reproduction and replacing them with black ink so that the reproduction will appear normal but will use less process color ink. (From the Complete Color Glossary by Miles Southworth, Thad McIlroy and Donna Southworth, Copyright 1992; Published by The Color Resource, Livonia, N.Y. ISBN 1-879847-01-9). Often the cyan will have the lowest value and is the color to eliminate. Since both gold and silver have a process color value, the four conventional separations will need to be modified if the finished print is not to look over-colored or dirty. For example PANTONE 873, the MIPP gold standard, has a process color value of approximately 65% yellow, 25% magenta and 5% cyan. So if the gold areas are to look realistic these colors must be reduced proportionately. The separations may also require modification as the metallic inks have a grey scale value and a failure to take this into account may result in a dirtying of the final colors due to a reduction in their metallic brilliance.

A MIPP image is printed using standard screen angle intervals of 30° or 15°. The screen angle used for a metallic ink is the same as that for the process colors eliminated in favor of a metallic ink. The MIPP system may use different dot shapes to reduce the risk of screen clash. A round dot, with no preferred direction, is typically used for the metallic ink, while an elliptical dot works for the standard process inks. The color standards chosen for MIPP come from the PANTONE System of matched metallic inks, with PANTONE 873 as the gold standard and PANTONE 877 as the silver standard.

Because metallic inks are opaque, they are normally printed before the transparent process colors. But with MIPP the sequence is changed slightly so that the first three colors down are silver, yellow, and gold, respectively. The remaining three process colors are printed in any order. The first three colors, in this order, are very important if the finished print is to look realistic. The use of yellow on silver is necessary to obtain yellow, green and orange metallic effects. Yellow, under gold, is also necessary to maintain the correct tonal values in the highlight areas. Yellow, printed in this way, provides a transition from gold to non-metallic parts of the image. On the other hand, if yellow is printed on top of the gold, there is a loss of metallic sheen without any compensating color benefit.

In summary, the MIPP system presents several disadvantages. First, it requires excessive handwork to create the color mash. Second, the MIPP system requires the elimination of one of the subtractive process colors to free up a screen angle for a metallic color. Third, the MIPP system only allows the printing of four screened colors in any given area. Last, the PMS 873 standard gold ink used by the MIPP system is a dirty, or less brilliant gold ink. This dirty look limits the gold color reproduction to the inherent dirty look even if no other color ink is printed in that area. This dirty look also

necessitates additional color correction of the subtractive primaries. Therefore, a need exists for a printing process which maximizes the appearance of metallic colors. Such a process should allow the use of six colors printed at four screen angles. Moreover, such a process should not limit the number of colors in any given area to four as with the MIPP System.

SUMMARY OF THE INVENTION

The present invention relates to the Williamson Integrated Metallic System (WIMS) developed to allow six color printing using yellow, magenta, cyan, black, metallic silver, and/or metallic gold. The WIMS System creates a realistic metallic gold or metallic silver effect using the subtractive primary colors, black, silver and/or gold. The WIMS method comprises a number of steps. The subject to be reproduced is first scanned by a standard scanner and four color separations are created. The original art is then edited to achieve the required metallic effect. Editing comprises the steps of creating a yellow mask, reviewing an electronic version of the image produced by the scanner, determining the amount of contrast between heavy and light metallic regions on the image by one skilled in the art based on past experience, and then sending that contrast information back to the scanner. A "yellow mask" is created to isolate areas where a metallic effect is desired. This "yellow mask" allows the operator to select these areas based on the color and tonal region of the original. For example, those areas appearing neutral are appropriate for silver metallic, while those areas appearing high yellow with a red component are appropriate for the gold metallic. Additional modification of dot size in these isolated areas may be required to avoid moire and reduction in metallic brilliance of the final colors. These colors can be printed at four screen angles: cyan (75°), magenta (45°), silver (45°), gold (75°), yellow (90°), and black (105°).

In the WIMS System, a cleaner, or more brilliant gold color ink is used, wherein the process color value is less than 25% for magenta and less than 5% for cyan. This should diminish any dirtiness caused by the process color values of adjacent primary colors. Additionally, any harsh edge effects caused during printing may be softened during the electronic masking stage. During printing, the silver separation can be printed at the same screen angle as the magenta, while the gold separation can be printed at the same screen angle as the cyan separation.

BRIEF DESCRIPTION OF THE DRAWINGS

For a more complete understanding of the present invention, and for further details and advantages thereof, reference is now made to the following Detailed Description taken in conjunction with the accompanying drawings, in which:

FIG. 1 illustrates a flow chart of the WIMS System for reproduction of metallic color; and

FIG. 2 illustrates a flow chart of the prior art MIPP System.

DETAILED DESCRIPTION OF THE DRAWINGS

The present invention relates to a metallic color printing process, also known as the WIMS System, that overcomes many of the disadvantages found in the prior art. Referring to FIG. 1, a flow chart illustrates the steps involved in the present method

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A first step involves pre-evaluation at step 10 of the subject to determine desired effects and proper placement of metallics in process reproduction. Metallic gold can be chosen at step 12, metallic silver can be chosen at step 14, or a combination of both metallic gold and metallic silver can be chosen at step 16. Next, the image can be scanned at step 18 by a scanner which, in turn, produces at step 20 four color separations which are electronically viewed on the scanner display. The scanner acts as both an input device and an output device. In other words, the artwork is input to the scanner. The scanner can then output color separations or film used to recreate the artwork. The scanning step involves the application of 75% to 100% to the scanner set-up and the scanning of the image. Then, the PCR is removed from the scanner set-up and the image is scanned to an "Imagedit", an electronic color correction machine, produced by the Crosfield Co. of Hemel Hempstead, England.

The original artwork is evaluated in a well known manner by one skilled in the art to determine the color areas in which the metallic effect is desired. A gold separation can be produced at step 22 by electronically selecting any color area where the effect is desired. Likewise, a silver separation can be produced at step 24 by electronically selecting any color area where the effect is desired. Typically, the cyan or black areas of the original art will be the basis for developing the silver printing whereas yellow or magenta areas of the original art will form the starting point for creating the gold printing. It is emphasized that either the gold or silver separations may be produced by selecting any color area where the effect is desired.

Using the Crosfield Imagedit, a "yellow mask" can then be created at step 26 to isolate the areas where a metallic effect is desired from the rest of the separation. The "yellow mask" function gives the ability to select the desired areas electronically based on the tonal region or bandwidth of the original as well as the desired color region. Creating a yellow mask entails several steps. First, an electronic version of the image produced by the scanner displays the contrast between a heavy metallic region and a light metallic region on the image. For example, neutrals are appropriate for silver, while high yellows with a red component are appropriate for gold. The yellow mask controls can be adjusted at step 28 to achieve desired printing strength (tonal range) of metallic inks within the yellow mask area. These controls allow the adjustment of slope, gain, and rolloff of the image within the yellow mask area.

Next, the Imagedit computer creates six revised color separations in a well-known manner; one each for yellow, cyan, magenta, black, gold and silver. Once these electronic masks are created, further modification at step 30 of the isolated area may be required. For example, such modifications may increase or reduce the printing dot size of the metallic separation and/or adjust at step 32 the amount of four color process ink printing over the newly created metallic to compensate for the reduction in brilliance caused by the additional metallic color in the reproduction. Additionally, in a given original, there may be areas of similar color where a metallic effect is desired in one area but not the other. For example, a gold watch requires a metallic gold, while a golden retriever would not. Due to this anomaly, further electronic manipulation of the image may be required to eliminate metallic ink in unwanted areas. Moreover, because all masking is performed electroni-

cally, it is possible to soften at step 34 any harsh edge effects in the final reproduction via mask smoothing or tonal integration techniques.

Next, this information is sent back to the scanner which outputs at step 36 the subtractive process colors and the metallic separations. The MIPP standard for screening is to eliminate (by hand masking) one of the process colors in metallic areas to free-up a screen angle, or to produce the metallic separations at a line screen resolution different than the process colors to reduce moire effects. However, in the WIMS process, the subtractive process colors are output at step 36 at 0°, 15°, and/or 30° screen angle intervals. An interval is the spacing between any two screen angles. The metallic color separations are output at step 38 at the same angles as the subtractive process colors or at 30° intervals. The gold separation can be produced at the same screen angle as the cyan separation. Likewise, the silver separation can be produced at the same angle as the magenta separation. Therefore, with WIMS reproductions, six colors can be printed at four screen angles. For example, cyan can be printed at 75°, magenta at 45°, silver at 45°, gold at 75°, yellow at 90°, and black at 105°. Both process and metallic separations are produced at the same line screen resolution. Typically, there are no problems with moire effect.

The next step involves metallic inks, a gold ink, a silver ink, or both gold and silver. The Pantone MIPP standard for gold ink is PMS 873. This ink printed solid has a process color value of approximately 65% yellow, 25% magenta and 5% cyan. For WIMS reproduction, however, a much more brilliant gold ink is used, wherein the magenta and cyan process equivalents are greatly reduced. This was selected under the rationale that a pure gold ink area of WIMS gold could be reduced in brilliance, but a pure PMS 873 ink area could not be made any more brilliant than the inherent bronze color of the ink. This same color compensation theory also applies to silver areas where a calculated reduction in cyan or black generally occurs.

Prepress proofing at step 40 is accomplished via a combination of 3M Matchprint II (for process colors) and Dupont Cromalin (for metallics). After proofing, the artwork is reproduced by first printing at step 42 the WIMS standard for silver, then printing at step 44 yellow, then printing at step 46 the WIMS standard for gold, and finally printing at step 48 the remaining subtractive primary colors in any order.

FIG. 2 provides a flow chart of the MIPP process which is discussed in greater detail in the Background Section. In sum, the designer marks up the artwork to be reproduced to show where MIPP is required and the image is scanned at step 118. Based on the object color in the original photograph and the color requirements of the final print, a determination is then made whether to choose at step 112 gold, choose at step 114 silver, or to choose at step 116 both silver and gold. The artwork is then scanned at step 118 by a scanner and a standard four-color separation is produced at step 120. Each separation is compared to the original to determine which gives the best representation of the metallic colors. A gold separation is next produced at step 122 using the screen angle of the process color that was eliminated in that area, as will be discussed in greater detail. Likewise, a silver separation can also be produced at step 124 using the screen angle of the process color that was eliminated in that area.

A green mask is created at step 126 with the scanner and viewed on the scanner display. The overall contrast of the green mask can be adjusted at step 128 via the color correction controls. Shadow contrast can then be adjusted via undercolor removal (UCR). Next, the image is modified at step 130 to remove areas where the metallic effect is not required. The level of the four subtractive process colors can be reduced at step 132 in the metallic printing area. Mask edges can then be softened at step 134.

Next, a screen angle must be freed at step 135 for each of the metallic inks to avoid problems of screen clash and resulting moire effects. In other words, in any one area where a metallic ink is used, the subtractive primary color with the same screen angle must be eliminated or made solid. Thus, no more than four screened colors may appear in any one area of the reproduction. The scanner outputs at step 136 the subtractive process colors to film at 30° and 15° intervals. The scanner can then output at step 137 the metallic separations at a screen angle of an eliminated process color. Alternatively, the scanner can output at step 138 the metallic separations at the screen angle of the eliminated process color but at a different dot shape and/or screen ruling than the four subtractive process colors. Prepress proofing at step 140 is accomplished. After proofing, the artwork is reproduced by first printing at step 142 the PMS 877 standard for silver, then printing at step 144 yellow, then printing at step 146 the PMS 873 standard for gold, and finally printing at step 148 the subtractive primary colors in any order.

Although preferred embodiments of the invention have been described in the foregoing Detailed Description and illustrated in the accompanying drawings, it will be understood that the invention is not limited to the embodiments disclosed, but is capable of numerous rearrangements, modifications, and substitutions of parts and elements without departing from the spirit of the invention. Accordingly, the present invention is intended to encompass such rearrangements, modifications, and substitutions of parts and elements as fall within the scope of the invention.

We claim

1 In a method of half-tone dot printing a reproduction of a scanned image on a substrate with the four subtractive process colors of magenta, cyan, yellow, and black in a given area of the scanned image at only four screen angles, an improved method of incorporating metallic colors in said reproduction, the improvement comprising the steps of:

printing at least one metallic color in said given area at a selected one of the only four screen angles; and printing at least one of said four subtractive process colors in said given area at the same screen angle as said at least one metallic color such that said at least one metallic color and one process color are printed in said given area at the same one of said four screen angles so as to enable at least five colors to be printed at only said four screen angles.

2 A method as in claim 1 further including the steps of:

printing a second metallic color in said given area at a second one of said four screen angles, and printing a second one of said four subtractive process colors in said given area at the same second one of said four screen angles as said second metallic color so as to have an additional metallic color and an additional process color printed in said given area

at said second one of said four screen angles so that up to six colors are printed at only said four screen angles.

3 The method of claim 1 of reproducing a scanned image on a substrate including incorporating metallic colors and further comprising the steps of:

producing four process color separations of the scanned image, each at one of said four screen angles;

producing at least one metallic color separation at the same screen angle as a corresponding first one of the four screen angles of the process color separations in said given area;

editing each process color separation and the at least one metallic color separation to obtain metallic color separation information;

outputting each process color separation to film creating a process color separation film;

outputting the at least one metallic color separation to film creating a first metallic color separation film; and

printing a reproduction of the scanned image on a substrate using the process color separation films and the at least one metallic color separation film such that both a metallic color separation and a process color separation are produced at the same screen angle.

4 The method of claim 3 of reproducing a scanned image on a substrate including metallic colors and further comprising the steps of:

producing a second metallic color separation at the same screen angle as a corresponding second one of the four screen angles of the process color separations in said given area;

editing the second metallic color separation to obtain metallic color separation information;

outputting the second metallic color separation to film creating a second metallic color separation film; and

printing a reproduction of the scanned image on a substrate using the process color separation film and the first and second metallic color separation films such that said first metallic color separation and a first process color separation are produced at an identical first screen angle and the second metallic color separation and second process color separation are produced at a second identical screen angle so as to enable up to six colors to be printed in the given area in only four screen angles.

5 The method of claim 4 wherein the step of producing a first and a second metallic color separation further comprises the steps of:

producing a gold metallic color separation as the first metallic color separation; and

producing a silver metallic color separation as the second metallic color separation.

6 The method of claim 4 wherein the step of producing a first and a second metallic color separation further comprises the steps of:

producing a silver metallic color separation as the first metallic color separation; and

producing a gold metallic color separation as the second metallic color separation.

7 The method of claim 4 wherein the step of editing further comprises the steps of:

reviewing an electronic version of the scanned image to determine regions of the image where metallic color is to be added.

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creating a yellow mask for the given area to enable isolation of any region therein where metallic color is to be printed;

electronically adjusting the amount of contrast between the isolated regions to achieve a desired metallic color contrast between said isolated regions so as to obtain metallic color separation information; and

sending the metallic color separation information back to the scanner to provide half-tone dot signals.

8. The method of claim 4 wherein the step of outputting the at least one metallic color separation further comprises the step of outputting the first metallic color separation at the same screen angle as a first process color separation or at a 0°, 15°, or 30° interval therefrom.

9. The method of claim 4 wherein the step of outputting the second metallic color separation further com-

prises the step of outputting the second metallic color separation at the same screen angle as a second process color separation or at a 0°, 15°, or 30° interval therefrom.

10. The method of claim 3 wherein the step of editing further comprises softening an image edge of the process color separations and metallic color separations.

11. The method of claim 3 wherein the step of outputting the process color separations comprises outputting the process color separations onto film at 0°, 15°, or 30° screen angle intervals.

12. The method of claim 1 wherein the step of printing comprises:

- (a) printing the metallic silver onto the substrate;
- (b) printing yellow onto the substrate;
- (c) printing the metallic gold onto the substrate;
- (d) printing the remaining colors onto the substrate in any order.

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CORRIGENDUM
for Deposition of Scott Brown
Taken August 10, 2000

PAGE	LINE	CHANGE/REASON
12	4	Strike "October 30 th " and replace with "December 30 th "
13	1	Strike "and take an affidavit to suit his needs." and substitute "and provide testimony by way of declaration."
28	17	"Always" I am always trying sell Williamson Printing something, not Mr. Falk.
35	20	"Yes" Graphic Equipment Southwest, Inc. sold Komori Presses while I was Service Manager, I was not in sales, nor sold Komori Presses to Williamson Printing.
40	12	Subsequent to June 1994, I obtained an understanding that Williamson did not use flexography at that time.
41	14	"No", I never saw them run it commercially. However, I did see Williamson run WIMS experimentally in 1993 at Graphic Equipment Southwest, Inc.
44	20	They do have a two color used Heidelberg press they bought from a third party c. 1979
45	5	Strike "Howard Byrd" and replace with "John Bird"
45	23	Strike "John Byrd" and replace with "John Bird"
48	13	As of the time that I joined Heidelberg in 1994, I had never seen flexographic printing on the first unit of an offset press. I have seen a number of press manufacturers such as Roland 700, Heidelberg C0102L, and Komori Lithrone, that utilized flexography in the coating towers with anilox rollers.
49	21	Strike "1994" and replace with "1993 at the coating tower on end-of-press"
65	18	"Flexography--"
65	20	Strike "And lithography and lithographic plate and a flexographic plate for the same thing. They put an image on a blanket." and replace with "A flexographic plate coats or prints directly on the paper"
66	24	Strike "process" and replace with "arts"

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PAGE	LINE	CHANGE/REASON
74	20	Strike "drip" and replace with "equipment" Strike "inner depth" and replace with "inter deck"
74	24	"Jesse was contemplating how to address the drying problems with putting down ink/coatings in the first units and was exploring high velocity air, UV, and other inter-station equipment."
79	21	"There was a Heidelberg CD 1026LYL with chambered doctor blade/anilox roller systems."
85	19	"There would have been no purpose in gathering BASF information other than for printing with the flexographic plates in the first units of a press."
100	19	Strike "The" and replace with "Bill and Jesse's"
102	23	Strike "Doggren" and replace with "Dahlgren"
102	24	Strike "Rykaline" and replace with "Rykographics"
106	18	"What Bill and Jesse wanted was one pass testing of lithographic/flexographic process. However, we only had the ability to test on a machine with the chambered doctor/anilox system at the end of that press."
108	20	"It was one pass utilizing flexographic and lithographic processes."
117	18	"Conversations I had in the summer of 1994."
118	14	"The press that we tested in Germany had an infrared and hot air drying system that works very well."
120	4	"Williamson was also exploring the options for drying from several other manufacturers."

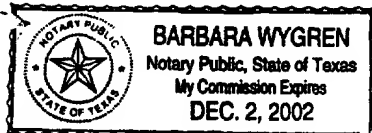
003/010-00000000

I, Scott Brown, have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted above.

Scott Brown
Scott Brown

STATE OF TEXAS)
)
COUNTY OF DALLAS)

Subscribed and sworn to before me by the said witness, Scott Brown, this 22nd day of September, 2000, by



(seal)

Barbara Wygren
Notary Public, the State of Texas

FOSTER 13023767

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

PRINTING RESEARCH, INC.
AND HOWARD W. DeMOORE,
Plaintiffs,

X
X
X
X
X
X
X
X

VS

CIVIL ACTION NUMBER
3-99-CV1154-M

WILLIAMSON PRINTING
CORPORATION, BILL L. DAVIS
AND JESSE S. WILLIAMSON,
Defendants.

ORAL DEPOSITION

OF

SCOTT BROWN

August 10, 2000

ANSWERS AND DEPOSITION OF SCOTT BROWN, produced
as a witness at the instance of the Plaintiffs, taken in
the above-styled and numbered cause on the 10th day of
August, 2000, at 9:15 o'clock a.m., before Anita K.
Spurger, a Certified Shorthand Reporter in and for the
State of Texas, at the offices of Locke, Liddell & Sapp,
located at 2200 Ross Avenue, Suite 2200, in the City of
Dallas, County of Dallas, and State of Texas.

A P P E A R A N C E S

MR. BILL HARRIS
MR. STEVE WILSON
Locke, Liddell & Sapp
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Suite 2200
Dallas, Texas 75201

- AND -

MR. MARTIN J. SWEENEY
Cozen and O'Connor
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Dallas, Texas 75201

APPEARING FOR THE PLAINTIFFS

MR. JOHN P. PINKERTON
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- AND -

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APPEARING FOR THE DEFENDANTS

ALSO PRESENT: Mr. Howard W. DeMoore,
Mr. Dave Douglas,
Mr. Bill L. Davis

I N D E X

WITNESS: SCOTT BROWN

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Examination by Mr. Harris

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P R O C E E D I N G S

MR. HARRIS: I think our agreement is to go under the Federal Rules. And I believe Mr. Pinkerton wanted it reiterated that -- and I agree -- that objections except as to the form of the question are reserved until the trial.

MR. PINKERTON: That's the agreement.

SCOTT BROWN,
having been first duly sworn, testified as follows:

EXAMINATION

BY MR. HARRIS:

Q. Mr. Brown, as I told you very quickly as we met a minute ago, I'm Bill Harris, and I'm the lawyer in this particular matter or one of them for the plaintiff. And the plaintiff in the case, I believe you know who that is, don't you?

A. Yes, sir.

Q. Who is it?

A. That would be Printing Research.

Q. And I believe and Howard DeMoore, but that is correct.

A. And Howard DeMoore.

Q. And the defendant, I believe you know who that is, do you not?

A. Yes.

1 Q. And who is it?

2 A. Williamson Printing. The subpoena names Bill
3 Davis and Jesse Williamson.

4 Q. And I gather you have brought the subpoena
5 along with you --

6 A. Yes.

7 Q. -- in this case. I would like to mark it as
8 exhibit --

9 MR. HARRIS: What are we to? 11 or what?

10 MR. PINKERTON: Well, did you want -- I
11 thought I understood you were going to start over on
12 each one, Bill.

13 MR. HARRIS: That's what I'd prefer to do.

14 MR. PINKERTON: That's fine. Brown 1?

15 MR. HARRIS: We'll make this Brown
16 Exhibit 1, then.

17 (Exhibit 1 marked)

18 Q. (By Mr. Harris) And you are responding today
19 to that subpoena. That's correct, is it not?

20 A. Yes.

21 Q. And did you notice in the subpoena that there
22 were some documents that were referred to? And my
23 question to you is, looking at the subpoena and you'll
24 find that there are some documents mentioned, and I
25 would like for you to tell me whether or not you have

1 any of those documents.

2 A. There -- yeah. There are several documents and
3 copies are attached to the subpoena.

4 Q. Are those all of the documents that you have?

5 A. I had some of the original documents. These
6 are copies. Is that what you are asking?

7 Q. Well, let's take a look at -- there's a 1 and a
8 2 and a 3 in the so-called Plaintiffs' Notice of Oral
9 Deposition of Scott Brown. Do you see those?

10 A. Yes.

11 MR. WILSON: No. He's looking at the
12 wrong place. You're looking at your statement -- the
13 notice there. There you go.

14 Q. (By Mr. Harris) Do you have any documents such
15 as Number 1?

16 A. I have a copy of my declaration of my
17 deposition, yes.

18 Q. You do mean your declaration, don't you?
19 You're not referring --

20 A. Okay, declaration.

21 Q. You're not referring -- you said deposition.
22 You don't mean that, do you?

23 A. No. Declaration --

24 Q. Okay.

25 A. -- it says here.

1 Q. What else under Number 1 do you have?

2 A. These exhibits are attached that are mentioned
3 in Paragraphs 2 through 6. Copies of these are attached
4 to the subpoena.

5 Q. And when you say "2 through 6," you're talking
6 now about in your declaration, are you not?

7 A. Yes. It's that --

8 Q. And you have nothing else that corresponds to
9 the request of Paragraph 1?

10 A. No.

11 Q. Would you look at Paragraph 2 on the next page,
12 please. Read it carefully, please.

13 (Conference between Mr. Brown and
14 Mr. Pinkerton)

15 A. I would refer to the attachments.

16 Q. (By Mr. Harris) Well, do you have any others
17 that aren't attached, is the question.

18 A. No.

19 Q. Are you sure?

20 A. Yes.

21 Q. Now, are you answering with respect to Number 2
22 or Number 1?

23 A. Number 1 and 2, but I was specifically
24 responding to Number 2 -- Number 2.

25 Q. In your files at the company, do you have

1 documents for 1, 2, or for that matter, 3, which I'll
2 ask you to read, too, so we can talk about them all at
3 the same time.

4 A. They're all in the attachments, all the
5 documents.

6 Q. And there's nothing else in -- there's nothing
7 else in the files of the company you're aware of that
8 correspond to the requests of 1, 2, and 3?

9 A. No, not to my knowledge.

10 Q. How did you come to take the declaration that
11 is an exhibit to Brown 1?

12 MR. PINKERTON: I just want to object to
13 the form. He's probably not used to the terminology,
14 "take a declaration." He executed -- he made the
15 declaration. Just object to the form of the question.
16 Just make sure he understands it, Bill.

17 Q. (By Mr. Harris) I gather you do not understand
18 the question. Is it true that you do not understand
19 that question?

20 A. Yes.

21 Q. Okay. Well, I will try to ask it again.
22 You've got a piece of paper attached there that's, I
23 believe, an exhibit -- several pieces of paper that I
24 believe is an exhibit to your so-called declaration.
25 And you have the declaration itself. Agreed?

1 A. Yes.

2 Q. And you, quote, took that declaration, that is,
3 signed it, did you not?

4 A. Yes.

5 Q. And you do avow that it is your declaration?

6 A. Yes.

7 MR. PINKERTON: Yeah. And for the record,
8 Bill, the declaration is marked Exhibit A to Exhibit 1.

9 MR. HARRIS: For your information, we
10 don't have any such marks on any of the attachments.
11 We were not furnished them.

12 MR. PINKERTON: Oh, okay.

13 MR. WILSON: You gentlemen are talking
14 about two different things.

15 MR. PINKERTON: Well, okay. Let's talk
16 about Exhibit 1.

17 MR. WILSON: No. Bill was saying that his
18 declaration refers to Exhibits A through H, but when you
19 produced his declaration to us, there's no tabs. So you
20 can't really tell what attachments are the A through H.
21 You can tell this is A through H, but you can't tell
22 which one's A and which one's H.

23 MR. PINKERTON: Oh, okay.

24 MR. WILSON: And you, Mr. Pinkerton, are
25 talking about the Exhibit A stamp that we put on his

1 declaration as part of the notice.

2 MR. PINKERTON: Yeah. Bill, you were
3 asking him about the declaration. And I just wanted to
4 make -- state for the record that it is Exhibit A to
5 Exhibit 1. Just so we're clear there.

6 MR. HARRIS: Yes. And I think we might be
7 better off if we have a separate declaration so we don't
8 have to have an attached subpoena and notice.

9 MR. PINKERTON: I agree with that.

10 MR. HARRIS: So I'm going to ask that a
11 separate declaration by Mr. Brown be attached -- I'm
12 sorry -- be marked. And it will be 2, Exhibit 2.

13 (Mr. Wilson exits proceedings)

14 MR. HARRIS: Where did he go?

15 MR. PINKERTON: He went to make a copy.
16 You can go ahead with the witness.

17 MR. HARRIS: Why don't I just go right on
18 ahead, then. Later on, we'll put that in.

19 Q. (By Mr. Harris) Anyway, what I was trying to
20 find out, and I think I've gotten what I could, if there
21 are any other documents that you're aware of that relate
22 to this matter other than the --

23 A. No.

24 Q. -- ones that you had attached?

25 A. No, there isn't.

1 Q. And have any other documents come to your
2 attention since you took this declaration that relate
3 to this matter?

4 A. No.

5 MR. PINKERTON: Bill, could we break for
6 one second? I'm going to call my office and have them
7 send over the original so that we'll have the tabs and
8 know --

9 MR. HARRIS: That's probably a good idea.
10 (Recess taken)

11 MR. HARRIS: Now, we have only marked
12 Brown 1 so far; is that true?

13 MR. PINKERTON: Right.

14 MR. HARRIS: Mark Brown 2 as the
15 declaration of Scott Brown.

16 (Exhibit 2 marked)

17 Q. (By Mr. Harris) Okay. I'm not sure you have 2
18 over there. Do you?

19 MR. WILSON: Yeah. There's 2 for him.

20 MR. PINKERTON: Scott, let's trade you
21 this one for this one.

22 Q. (By Mr. Harris) Now that we've got a single
23 unit, which has been marked as Brown 2, Exhibit 2, can
24 you verify that as the declaration that you took?

25 A. Yes, it is.

1 Q. And when did you take the declaration? I
2 rather assume the date at the end is right, but I'd like
3 to have it verified.

4 A. December -- October 30th. I can't read this --
5 the copy very well.

6 Q. You're not exactly sure, huh, when you took
7 it?

8 A. Does anyone have the original?

9 MR. PINKERTON: It's coming over.

10 MR. HARRIS: It is a little fuzzy.

11 MR. PINKERTON: Yeah. The copy's kind of
12 bad.

13 Q. (By Mr. Harris) As to this affidavit or
14 declaration -- which do you prefer to call it?
15 Declaration?

16 MR. PINKERTON: December 30th.

17 A. That would be fine.

18 Q. (By Mr. Harris) Okay. How did you get
19 involved in the taking of it?

20 A. I was contacted by Bob Falk.

21 Q. Is that Robert Falk, Esquire?

22 THE WITNESS: Is that you?

23 MR. FALK: That's me.

24 Q. (By Mr. Harris) I see.

25 A. And he asked if I would meet with him about the

1 subject and take an affidavit to suit his needs.

2 Q. Did someone talk with you before that about the
3 possibility of taking the -- I believe you called an
4 affidavit? Didn't you call it affidavit?

5 A. Yeah.

6 Q. Okay.

7 A. Yes.

8 Q. Well, we'll call it both affidavit and
9 declaration, then.

10 A. Yes. Bill Davis mentioned to me that there's
11 a possibility that I may be asked to answer some
12 questions.

13 Q. And after Bill Davis asked you that and before
14 you took the affidavit, did you speak to any persons
15 about the matter?

16 A. Yes.

17 Q. What persons?

18 A. I spoke to my regional manager, Lowell
19 Gilbertson and spoke to our legal counsel --
20 Heidelberg's legal counsel, Susan Nofi.

21 Q. In the United States?

22 A. Yes. And that would be all.

23 Q. Did you discuss the substance of what became
24 the affidavit of declaration with them?

25 A. After it was taken?

1 Q. Before it was taken.

2 A. Are you asking did I tell them -- ask -- tell
3 them what it referred to?

4 Q. Yes.

5 A. Yes.

6 Q. Did you tell them in the words -- in other
7 words, but did you tell them what's in this declaration
8 now? In the affidavit that was taken by you, did you
9 tell them what contains -- what is contained in it?

10 MR. PINKERTON: I'm going to object.
11 Counsel, Mr. Brown's here. He's not represented by
12 counsel. And you're asking him about attorney-client
13 privileged communications. I think out of fairness to
14 the witness, you ought to advise him that he's got the
15 right to claim a privilege with respect to those -- or
16 somebody ought to advise him --

17 MR. HARRIS: You seem to be.

18 MR. PINKERTON: Well, you know, I don't
19 mean to be taking on that burden, but out of fairness,
20 do you think it's appropriate to advise him that there
21 is an attorney-client --

22 MR. HARRIS: I'm not trying to get any
23 attorney-client information.

24 MR. PINKERTON: You're asking him about
25 his communications with his attorney.

1 MR. HARRIS: I'm asking him merely if he
2 recited to his boss and attorney the information that's
3 in the affidavit.

4 MR. PINKERTON: Which is asking him for
5 communications with his attorney.

6 MR. HARRIS: No, but his boss was there.
7 He's a third party as far as this matter's concerned.
8 You're not talking about any privilege at all.

9 MR. PINKERTON: I think it is privileged
10 communication in spite of the boss being there.

11 MR. HARRIS: Are you going to claim
12 privilege for him?

13 MR. PINKERTON: No. I just -- I think
14 it's appropriate that Mr. Brown know that there is
15 such a thing in this country that's kind of a sacred
16 privilege and that is attorney-client privilege.

17 MR. HARRIS: There is a sacred thing also
18 in this country called the truth.

19 MR. PINKERTON: That's right.

20 MR. HARRIS: And that's all I'm asking
21 for.

22 MR. PINKERTON: And the law has recognized
23 that the truth can be had separate and apart from asking
24 for attorney-client communications. And we're here to
25 get the truth today. And we can get the truth without

1 having to get to a communication with his attorney.

2 MR. HARRIS: Let's put it this way.

3 Q. (By Mr. Harris) You had a communication with
4 your boss, did you not?

5 A. Yes.

6 Q. What did he say and what did you say?

7 MR. PINKERTON: Was that in the presence
8 of counsel?

9 THE WITNESS: No.

10 MR. PINKERTON: Okay. It could still be
11 attorney-client privilege.

12 MR. HARRIS: Oh, come on, Mr. Pinkerton.

13 MR. PINKERTON: It could be.

14 MR. HARRIS: It could be, but you are --

15 MR. PINKERTON: It could be. I'm just --
16 I don't know. It's too bad that he's not represented by
17 counsel.

18 THE WITNESS: Well, I'd like to ask a
19 question, and I'd like Mr. Pinkerton's opinion.

20 Should I -- should we postpone this event
21 until I would have representation here?

22 MR. PINKERTON: That's entirely up to you,
23 Mr. Brown. That's not my call. I'm just advising or
24 stating on the record some very basic fundamental legal
25 principles here. And I don't want to see them violated,

1 and I don't think Mr. Harris does either really.

2 MR. HARRIS: No, not at all. I want to
3 know what you said to your boss and what you said to
4 him. I backed off on the question of what you said to
5 the lawyer. Whether I should or not under these
6 circumstances, I backed off on that.

7 MR. PINKERTON: Now --

8 MR. HARRIS: And so we're down now to what
9 was said to the boss.

10 MR. PINKERTON: Did the boss --

11 MR. HARRIS: An objection could be made or
12 you could make one and still go ahead and tell me. And
13 then, at trial, if for some reason the matter should be
14 broached, well, it could be struck if the judge thought
15 that it was attorney-client information. Also, your
16 statements for what -- whatever protection they can get
17 can be put under the protective order in this case.

18 MR. PINKERTON: Well, a protective order
19 doesn't really solve that issue, in my opinion.

20 MR. HARRIS: Well, you've got a lot of
21 opinions about this, Mr. Pinkerton, for somebody's
22 that's not your witness.

23 MR. PINKERTON: Well, he's not my witness,
24 and I don't represent him. But he's entitled to know
25 what the law is.

1 Did --

2 MR. HARRIS: Mr. Pinkerton, do you know
3 what the law is?

4 MR. PINKERTON: Well, I hope that I know
5 some of it.

6 MR. HARRIS: Well, I don't doubt that you
7 know some of it. But you sounded like you know what,
8 quote, the law, closed quote, is.

9 MR. PINKERTON: Well, I don't think there
10 is any reason for you and I to have an argument about
11 that.

12 MR. HARRIS: Well, neither one of us know
13 for sure what, quote, the law is.

14 MR. PINKERTON: Nobody was indicating that
15 that was being represented here.

16 MR. HARRIS: We can check with the judge,
17 if you want to. This is a subpoena-type situation.

18 MR. PINKERTON: Sure.

19 MR. HARRIS: And all I'm asking is what he
20 said to his boss and what his boss said to him about
21 this matter. I'm not asking him about company business
22 or personal business or anything else.

23 THE WITNESS: I'd like to, if I could,
24 excuse myself for a moment and call my counsel --

25 MR. PINKERTON: Okay.

1 MR. HARRIS: Okay.

2 MR. PINKERTON: That's fine with me.

3 MR. HARRIS: You can call him.

4 THE WITNESS: -- to see if we should
5 proceed with this.

6 MR. PINKERTON: Okay.

7 (Recess taken)

8 MR. HARRIS: Back on the record.

9 Mr. Wilson will dictate into the record or read into the
10 record the exhibit numbering or tab numbering for what's
11 been marked as the declaration, Exhibit 2.

12 MR. WILSON: Exhibit 2 has had tabs
13 inserted into it. When it was originally placed into
14 the record, it did not have tabs and it was difficult
15 to follow the exhibits that were attached to the
16 declaration that comprises the exhibit in the
17 transcript. So we've put tabs in. And as a result, the
18 Bates numbers are somewhat out of order. The attorneys
19 have all looked at it and the witness has looked at it
20 and I believe everybody agrees that the tabs are now in
21 the correct order and with the correct documents as the
22 declaration was originally prepared and executed by
23 Scott Brown.

24 Is that correct? Everybody's in agreement
25 with that?

1 Mr. Pinkerton?

2 MR. PINKERTON: Yeah. We're in agreement
3 with that.

4 MR. WILSON: Mr. Brown?

5 THE WITNESS: Yeah.

6 Q. (By Mr. Harris) Mr. Brown?

7 A. Yes, sir.

8 Q. You made a call so you could have a
9 consultation with an attorney, I believe?

10 A. Yes.

11 Q. And I'm, for the moment, in your hands. If you
12 don't open your mouth, well, then, the record doesn't
13 get made. Nothing happens unless you talk. So tell me
14 whether or not you're going to testify and what you have
15 to report.

16 A. Yes, I'm going to testify.

17 Q. All right.

18 A. I would like to clarify one statement that
19 was -- the question that was asked and answered
20 earlier. You asked something to the effect of, if I had
21 spoken to anyone about the substance of the affidavit
22 before the affidavit was taken. I took "substance" to
23 mean the subject matter. So I guess what is your -- can
24 you clarify your question about substance? What is --

25 Q. Yes. That's what that question was. I

1 wouldn't say I wouldn't have follow-up questions,
2 but that is the question that was pending then.

3 A. Okay. So --

4 Q. And that's what I meant by it.

5 A. Is it accurate to say, then, it was the
6 subject -- you wanted to know if we had spoken about
7 the subject in general?

8 Q. Well, the subject matter of the affidavit or
9 declaration that resulted.

10 A. Well, I -- just to clarify, I did not -- my
11 answer will be, no, I did not speak to anyone, if you're
12 asking if I discussed everything in the affidavit,
13 because the affidavit hadn't occurred yet, for one
14 thing. My answer would be, yes, if you're asking did I
15 speak to someone as to whether or not I would be giving
16 an affidavit.

17 Q. Did you indicate what the affidavit would be
18 about?

19 A. Yes.

20 Q. And what did you say and what did they say?

21 MR. PINKERTON: Well, the they --

22 Q. (By Mr. Harris) Who is the someone, to begin
23 with?

24 MR. PINKERTON: Yeah.

25 A. The someone is Lowell Gilbertson, who would be

1 my supervisor.

2 Q. (By Mr. Harris) All right.

3 A. And the subject was, my understanding, there
4 was a lawsuit that has to do with a patent infringement
5 that I've been asked to answer some questions. That
6 was -- and the question of -- you want me to proceed
7 with it?

8 Q. Did you tell him who the lawsuit was between?

9 A. Yes.

10 Q. And what did he say?

11 A. I don't recall.

12 Q. Do you recall anything at all that he said?

13 A. Cooperate. If they're asking you for
14 information, to cooperate.

15 Q. Did he give you any reason for cooperating?

16 A. No.

17 Q. Did you discuss with him or he with you the
18 fact that Printing Research was on one side and
19 Williamson was on the other side and Williamson was
20 a good customer?

21 A. No.

22 Q. Or that Williamson was a good potential
23 customer?

24 A. No.

25 Q. Did you discuss the subject further after you

1 gave the declaration or affidavit? Did you discuss it
2 further with your supervisor?

3 A. Briefly.

4 Q. And did he look at the declaration or
5 affidavit?

6 A. No.

7 Q. What was the discussion, as well as you can
8 remember, that took place after the giving of the
9 affidavit?

10 A. Just a short discussion. I told him that I was
11 asked about technical issues about some print testing
12 that was done. That was the sum of it.

13 Q. Did you later have a discussion with him about
14 testifying here today?

15 A. No.

16 Q. Does he know you're testifying?

17 A. Yes. Just spoke to him.

18 Q. What?

19 A. Yes. I just spoke to him on the telephone.

20 Q. Just now?

21 A. Right.

22 Q. But he didn't know before that?

23 A. No. I was just made -- given this a couple
24 days ago.

25 Q. You what?

1 A. I was just given this a few days ago.

2 Q. Did you communicate with him on paper --

3 A. No.

4 Q. -- or by e-mail or some other means, oral?

5 A. Communicate with him --

6 Q. About this --

7 A. About this?

8 Q. -- testimony today?

9 A. No.

10 Q. About you needing to testify today?

11 A. No.

12 Q. Have you had any contact with Mr. Baker about
13 this lawsuit?

14 A. No. Are you --

15 Q. Do you know him?

16 A. Are you speaking of Steve Baker?

17 Q. Yes.

18 A. I have not had any contact with him about this
19 subject at all.

20 Q. Including the reissue application and the
21 patent offers?

22 A. No discussions with Steve.

23 Q. Have you had any discussions with either
24 Mr. Pinkerton or Mr. Falk?

25 A. Other than the affidavit?

1 Q. Any discussions at all.

2 A. Well, Mr. Falk --

3 MR. PINKERTON: Maybe you can break it
4 down. Would you mind breaking it down, Bill, between
5 Pinkerton and Falk?

6 MR. HARRIS: Well, I thought he could
7 break it down in his answer.

8 Q. (By Mr. Harris) Have you had any discussions
9 with Mr. Pinkerton before today?

10 A. No.

11 Q. Did you have a discussion with him this
12 morning?

13 A. No.

14 Q. Would you describe the contacts and
15 discussions, any communications between you and
16 Mr. Falk?

17 A. We -- I believe we had two meetings to compile
18 this affidavit.

19 Q. Here in Dallas?

20 A. Yes.

21 Q. When?

22 A. Well, I would have to do some looking back to
23 tell you that. Let's see if I have the answer.

24 MR. PINKERTON: While he's doing that,
25 Steve, do you have that copy that we brought over or

1 that came over?

2 MR. WILSON: Yeah. Marty was using it.

3 MR. PINKERTON: Marty, can we see that
4 copy? Let's see if the date -- I think we have a
5 question about the date the declaration was signed.

6 THE WITNESS: Yeah. It's illegible.

7 MR. PINKERTON: Yeah. This one's
8 legible. This one appears to be 12/30/99.

9 MR. WILSON: That's the signature on
10 Exhibit 2.

11 MR. PINKERTON: Yeah. Page 5, Exhibit 2.

12 A. I don't have those records with me as to what
13 specific dates.

14 Q. (By Mr. Harris) What records are those that
15 you're referring to?

16 A. My schedule.

17 Q. Your schedule shows when you met with
18 Mr. Falk?

19 A. Uh-huh, yes.

20 Q. Do you have any other papers of any kind that
21 relate to this matter?

22 A. No.

23 Q. That's the closest thing to something else you
24 have, then, huh?

25 A. Regarding the matter of meeting with Mr. Falk?

1 Q. Regarding the matter of this lawsuit and the
2 reissue.

3 A. You have everything in the affidavit.

4 Q. I don't have your appointment book or any pages
5 from it. And it just reminded me to ask you again what
6 you have that was related to this subject matter.

7 A. And you do have copies of some of the pertinent
8 pages from my schedule book in Section H.

9 Q. You may have the Falk copy there. Is it?

10 A. I don't see that here, no. It was not -- I
11 wouldn't -- it wasn't available when -- the day we
12 talked. In other words, the information we were
13 discussing didn't have to do with that day we met.

14 Q. Didn't have to do with what?

15 A. I wasn't asked to provide anything that said
16 that I met with Mr. Falk on a certain day. And I --

17 Q. That may be --

18 A. -- and that may or may not be --

19 Q. And I'm not trying to pick nix with you. I'm
20 just trying to find out what you've got.

21 A. And I may or may not be able to provide you
22 with a copy of my schedule that says I met with Mr. Falk
23 on a certain day.

24 Q. Anyway, is it fair to say that on the day that
25 the affidavit was signed, you met with him, then?

1 A. Yes.

2 Q. And the other time you met with him, was it
3 before or after the affidavit was signed?

4 A. Before.

5 Q. And how long was the first meeting?

6 A. I couldn't tell you for certain. Perhaps an
7 hour, perhaps an hour and a half.

8 Q. And where did it take place?

9 A. At Williamson Printing.

10 Q. Were any of the Williamson people present?

11 A. No.

12 Q. Why did you meet at Williamson Printing?

13 A. Convenience. I had a meeting scheduled
14 earlier, and Mr. Falk was going to be there.

15 Q. Were you trying to sell him something,
16 Williamson?

17 A. Always.

18 Q. Always trying to sell him something? Do they
19 buy from you?

20 A. Yes, they do.

21 Q. Do they buy a lot from you?

22 A. Yes, I would say so.

23 Q. Do you work on commission in whole or in part?

24 A. In part.

25 Q. Does a big order generate a big payment to you

1 in commission?

2 A. That's very subjective. Each circumstance
3 differs.

4 Q. Is it fair to say that you yearly get
5 commissions from sales to Williamson of thousands
6 of dollars?

7 A. I can't predict the future.

8 Q. I'm talking about the past.

9 A. The past, yes.

10 Q. Ever over a hundred thousand dollars?

11 A. No.

12 Q. Does hope always remain that it will get that
13 big?

14 A. Does my hope remain?

15 MR. PINKERTON: I'm going to object to
16 speculation. Object to form.

17 MR. HARRIS: No. I'm looking for a state
18 of mind, which is reasonable.

19 MR. PINKERTON: Object to form, asking for
20 speculation.

21 A. I couldn't speculate on that.

22 Q. (By Mr. Harris) Is it possible that they could
23 generate that much?

24 MR. PINKERTON: Same objection. Object to
25 form, asking for speculation.

1 Q. (By Mr. Harris) You can answer the question,
2 please.

3 A. I couldn't answer that question.

4 Q. Does that mean you don't know?

5 A. I don't know. I cannot answer that question.
6 I could not. That's speculative.

7 Q. So you're just saying you don't know, then?
8 You either know or you don't know.

9 A. I --

10 Q. Which is it?

11 THE WITNESS: Are we constantly on record
12 here?

13 A. I don't like being spoken to sharply.

14 Q. (By Mr. Harris) Which is it? No sharpness
15 intended. I'm looking for an answer.

16 MR. PINKERTON: And let the record reflect
17 that counsel now in two questions has raised his voice
18 and used quite a bit of inflection in asking for and
19 insisting on an answer. And I object to the tone of
20 voice. I object to the argumentative nature in which
21 the question is being conducted.

22 MR. HARRIS: Don't mean to be
23 argumentative.

24 Q. (By Mr. Harris) Which is it?

25 A. I believe I've answered the question.

1 Q. Is it you don't know?

2 A. Restate the question.

3 Q. My question was, do you -- I'm not sure I can
4 exactly restate it. I'll try. My question was, do you
5 hope in the future to be able to generate from sales to
6 Williamson as much as a hundred thousand dollars -- over
7 \$100,000 in a year? And that's commission I'm talking
8 about actually.

9 MR. PINKERTON: And the same objection.
10 Object to form and asking for speculation.

11 Q. (By Mr. Harris) Do you?

12 A. I can't speculate on that.

13 Q. I'm not asking you to speculate. I'm asking
14 just yes or no.

15 MR. PINKERTON: Same objection.

16 A. That's my answer.

17 Q. (By Mr. Harris) Your answer is?

18 A. That I --

19 Q. That you might or you might not?

20 A. That I couldn't speculate on that.

21 Q. Is it possible?

22 MR. PINKERTON: Same objection. Object to
23 form, asking for speculation, and asked and answered.

24 Q. (By Mr. Harris) Is it possible?

25 MR. PINKERTON: Same objection. Counsel,

1 can we move on to another area of inquiry?

2 MR. HARRIS: In due course, I certainly
3 will.

4 MR. PINKERTON: Well, I don't want the
5 deposition to become unduly burdensome and oppressive to
6 this witness. He's not my witness, but I think
7 continuing to ask the same question when he's given you
8 the best response he can is out of bounds.

9 MR. HARRIS: The best response --

10 Q. (By Mr. Harris) Are you giving me the best
11 response you can? And that's a fair way to put it.

12 A. Yes.

13 Q. I'll take that if that's true.

14 A. Yes.

15 Q. Who was it at Williamson, if you know, that
16 suggested that you might be able to provide something
17 in the way of information to Mr. Falk?

18 MR. PINKERTON: Object to form.

19 Q. (By Mr. Harris) Again, if you know, of
20 course.

21 A. Do you want to restate that, rephrase that,
22 or --

23 MR. PINKERTON: You can go ahead. I can
24 state the objection and then you can go ahead and
25 answer, if you can.

1 A. Okay. Ask it again. I'm sorry.

2 Q. (By Mr. Harris) Okay.

3 A. Do you mind?

4 MR. HARRIS: What I'd like to do is to
5 take of all things at this time a five-minute recess so
6 everybody can kind of cool it down.

7 MR. PINKERTON: Okay.

8 MR. HARRIS: I will try to get the answer
9 to that one before we do it.

10 MR. PINKERTON: Okay.

11 Q. (By Mr. Harris) And the question simply is,
12 who was it, if you know, at Williamson that placed you
13 and Mr. Falk in contact?

14 MR. PINKERTON: Object to form.

15 Go ahead and answer.

16 A. It was mentioned to me by Bill Davis and then
17 Mr. Falk contacted me not through Mr. Davis.

18 Q. (By Mr. Harris) Right. Mr. Davis was the one
19 that talked to you first and told you to expect a call.
20 Is that it?

21 A. Yes.

22 Q. From Mr. Falk?

23 A. Yes.

24 MR. HARRIS: Let's take that five minutes.

25 MR. PINKERTON: Okay.

1 (Recess taken)

2 Q. (By Mr. Harris) My recollection is that you
3 joined the company in '94, but I may be wrong. Would
4 you straighten me out?

5 A. That's correct, 1994.

6 Q. 1994?

7 A. (Witness nods.)

8 Q. What time of the year in '94?

9 A. Spring.

10 Q. Can you tell me what month?

11 A. I believe it was in April. April of 1994.

12 Q. Was the initial job you had with the company
13 located here, Atlanta, New York, or where?

14 A. Here, Dallas.

15 Q. And by "Dallas," do you mean geographically
16 Dallas or the Dallas metroplex or what?

17 A. It encompassed parts of Dallas, surrounding
18 cities, Houston, East Texas, and Northern Louisiana.

19 Q. Were you an outside salesman?

20 A. Yes.

21 Q. So you didn't actually office at a plant or a
22 fixed office location for the company?

23 A. We do have an office in Dallas.

24 Q. Did you then?

25 A. Yes.

1 Q. And did you spend much time in that office?

2 A. No.

3 Q. Is it fair to say you were mostly out seeing
4 customers?

5 A. Yes.

6 Q. Or potential customers?

7 A. Yes.

8 Q. Who did you first meet at Williams, as you can
9 recall?

10 A. Williamson Printing? Probably Bill, Bill
11 Davis.

12 Q. Do you know when you first met Mr. Davis?

13 A. Uh-huh. About 19 -- let's see. Maybe 1986.

14 Q. You had known him for several years, then, when
15 you went to work for Heidelberg, right?

16 A. Yes.

17 Q. What was your prior employment?

18 A. I worked for Graphic Equipment Southwest.

19 Q. Are they a competitor of Heidelberg?

20 A. Yes.

21 Q. In all areas or is there some overlap in
22 competition?

23 A. In all geographic areas? Is that --

24 Q. No. I was talking about technical areas,
25 mechanical areas, or what have you.

1 A. They sell printing presses only.

2 Q. Had you done business with Williamson or
3 Mr. Davis before you went to work for Heidelberg?

4 A. My capacity as contact was primarily from a
5 service standpoint. I held the position of service
6 manager for a number of years. And Williamson Printing
7 had purchased four Komori machines, K-o-m-o-r-i.

8 Q. Oh, on the first page, you might help me
9 clear something up. The first page of Exhibit 2,
10 your declaration. Do you have it?

11 A. Yes.

12 Q. In the third line of Paragraph 2, I notice an
13 interlineation that's apparently been initialed by you,
14 correct?

15 A. Yes.

16 Q. Did you make a mistake the first time that you-
17 wrote it and have to correct it?

18 A. Are you referring to the Weisloch?

19 Q. Yes.

20 A. That -- when this was -- it was a
21 clarification.

22 Q. Did you make a mistake at Heidelberg?

23 MR. PINKERTON: Objection, asked and
24 answered.

25 A. It's a clarification. The factory for

1 Heidelberg is --

2 Q. (By Mr. Harris) Did Mr. --

3 A. -- actually in Weisloch, which is a suburb of
4 Heidelberg.

5 Q. Did Mr. Falk misunderstand when he was helping
6 you on the affidavit?

7 A. In what way?

8 Q. On the Heidelberg --

9 A. That's possible.

10 Q. -- Germany? Huh?

11 A. That's possible.

12 Q. And then you caught it when you read the copy?

13 A. Yes.

14 Q. And on Page 2, I see another interlineation
15 that you've initialed. Do you see it?

16 A. Yes.

17 Q. And do you think that Mr. Falk might have
18 misunderstood and you were correcting when you made
19 it clear that that was a coating tower rather than just
20 a plain first tower?

21 A. This was a clarification that it was a coating
22 tower.

23 Q. And am I correct that that's probably the way
24 it happened?

25 A. Tell me again.

1 Q. You didn't write it that way yourself in those
2 words, did you? I mean, you may have told the story,
3 the subject as you thought, but --

4 A. Yeah.

5 Q. -- isn't it true that it was just typed wrong,
6 then?

7 A. That's a possibility or I may often refer to --
8 particularly in this machine, the coating towers just as
9 towers.

10 Q. As what?

11 A. Just as towers. So I just wanted to clarify
12 by writing in there that I was talking about coating
13 towers.

14 Q. Instead of the first tower, to make it the
15 first coating tower?

16 A. Yes.

17 Q. The coating towers in that context come after
18 the regular printing towers, do they not?

19 A. The coating towers do come after the printing
20 units, yes.

21 Q. And so that reference is to the first of those
22 towers, true?

23 A. Yes.

24 Q. On Exhibit A, Tab Exhibit A that's attached to
25 Exhibit 2 to your deposition, a June 3 letter, do you

1 see it? Or it's a telefax actually.

2 A. Yes.

3 Q. Whose notes is it at the bottom of the letter?

4 A. The handwritten note is mine.

5 Q. And it's talking about the subject WIMS; is
6 that correct?

7 A. Yes.

8 MR. FALK: Bill, may I have a copy -- do
9 you have an extra copy with exhibits?

10 MR. WILSON: Sure.

11 MR. FALK: Thank you.

12 MR. WILSON: Yeah.

13 Q. (By Mr. Harris) Is the WIMS process you were
14 describing in this letter partially a flexographic
15 process?

16 A. In --

17 Q. Where you wrote on the bottom of this letter,
18 Exhibit A.

19 A. I don't -- I couldn't answer that. I don't
20 know if at that point if they're producing with flexo or
21 not.

22 Q. Well, you say it's the patented process, right?

23 A. Yes.

24 Q. Did you see the process -- I'm sorry. Did you
25 see the process patent?

1 A. Did I see the patent?

2 Q. Uh-huh.

3 A. No.

4 Q. Have you seen it since?

5 A. No.

6 Q. Can you describe the WIMS process for us?

7 A. It's exactly as I put in this note. Process
8 where the color separations include a -- an additional
9 two colors being silver and gold metallic.

10 Q. And you're not sure whether it's -- involves a
11 step of some sort using flexographic technology?

12 A. I was not sure at that point in time, no.

13 Q. And that would have been sometime after
14 June 3rd or on that day when you wrote the note?

15 A. Yes.

16 Q. Can you recall when you wrote the note?

17 A. No, I can't recall. I could guess that would
18 either be on June 3rd or 4th.

19 Q. You had only been with the company a couple of
20 months when this occurred, right?

21 A. Yes.

22 Q. How did you obtain the information that you
23 imparted in script at the bottom of this telefax message
24 of June 3, Exhibit A?

25 A. I had known about this process for some time,

1 that it was something unique to Williamson through
2 discussions with Bill and Jesse. It was kind of a
3 known thing, kind of a special thing.

4 Q. Are you suggesting "for some time," that it
5 extends before you joined the company, Heidelberg?

6 A. Yes.

7 Q. How much before?

8 A. I couldn't say.

9 Q. Not to get into it with you again, but does
10 that "couldn't say" mean I don't remember or I don't
11 know?

12 A. I don't remember.

13 Q. Did you ever see the process practiced?

14 A. No.

15 Q. Did you see product from the process?

16 A. Yes.

17 Q. When was that?

18 A. Again, I couldn't recall the specific dates or
19 time, but prior -- prior to and after my employment with
20 Heidelberg.

21 Q. What did a typical product look like? I know
22 that's kind of hard to answer. Do your best for me,
23 please.

24 MR. PINKERTON: Object to form. I'm
25 sorry. Vague and indefinite.

1 A. Could you ask the question again?

2 Q. (By Mr. Harris) Yeah. I asked, what did a
3 typical product look like to you, as best you could
4 describe it.

5 A. The best I could recall, printed sheets with
6 generally pictures of or images of jewelry, automobiles
7 with chrome, things of that nature that would -- that
8 the silver and the gold or the silver or gold would
9 accentuate the image.

10 Q. Had you seen such products with the process
11 prior to coming with the company? And by "coming with
12 the company," I mean with the Heidelberg USA Company.

13 A. Had I seen products of -- yes.

14 Q. Was that at the Williamson plant?

15 A. Yes.

16 Q. Were you acquainted with PRI before joining
17 Heidelberg?

18 A. Yes.

19 Q. And how long had you been acquainted there?

20 A. Since about 1986. That's when I started with
21 Graphic Equipment Southwest.

22 Q. Were they in the same business as Williamson?

23 A. Graphic Equipment Southwest?

24 Q. No. I'm talking about Printing Research, Inc.
25 My question was a little vague. Now do you understand?

1 A. Was Printing Research in the same business as
2 Williamson?

3 Q. Yes.

4 A. Not to my knowledge.

5 Q. Is it fair to say that you didn't believe they
6 were competitors?

7 A. Yes.

8 Q. Did you do any business with Printing
9 Research?

10 A. Yes.

11 Q. Have you done business with Printing Research
12 in recent years?

13 A. Yes.

14 Q. Very much?

15 A. Not sure how to quantify that, but --

16 Q. I'm sorry?

17 A. I would say -- I would just have to say, yes,
18 we've done business.

19 Q. In what area what do you sell?

20 A. The -- many of our presses are factory
21 installed with their Super Blue System. And we have one
22 product, a small press, that PRI Super Blue is an option
23 to be sold. And I have sold some of their drying
24 equipment.

25 Q. And you sold what? I'm sorry?

1 A. Some of their drying equipment.

2 Q. As I understand it, the Super Blue you
3 testified to is a product actually that your company has
4 purchased from them? That is, Printing Research, Inc.
5 Is that true?

6 A. I don't -- I don't know. Do you mean do we buy
7 the product Super Blue from PRI?

8 Q. Yes.

9 A. Yeah. I would think so.

10 Q. Wasn't that one of the things you mentioned to
11 me?

12 A. I said it was factory installed, yes.

13 Q. Yeah. And so in the sense of the word on that
14 particular product -- well, you're their customer,
15 true?

16 A. No. Heidelberg is the customer of PRI.

17 Q. What?

18 A. Heidelberg is a customer of PRI.

19 Q. Yes. Is PRI a customer of Heidelberg?

20 A. Not to my knowledge.

21 Q. And you don't get any kind of commission from
22 things that happen at PRI as relates to Heidelberg? In
23 other words, these sales that we're talking about?

24 A. No, I don't.

25 Q. So they're not a revenue producer for you?

1 A. No.

2 Q. Who are you acquainted with best at Printing
3 Research?

4 A. Frankly, I don't know who's still there. Over
5 the years, I guess I got to know Howard Byrd pretty
6 well. And an acquaintance with Steve Baker, but I don't
7 even know if Steve's still with the company.

8 Q. Can I help you with a correction? I want to be
9 sure that I'm right. Isn't it John Byrd instead of
10 Howard Byrd?

11 A. Yeah, and his son, Warren.

12 Q. Did you get acquainted with Mr. DeMoore?

13 A. Just a passing acquaintance. He was always
14 very friendly.

15 Q. Did you get acquainted with Mr. Dave Douglas?

16 A. That -- I don't think I know him.

17 Q. Did you get acquainted with Mr. Ron Rendall?

18 A. That name doesn't ring a bell either.

19 Q. Did Mr. Byrd ever discuss this WIMS process
20 with you, the one that you're writing about on
21 Exhibit A, the letter we were talking about or the fax
22 of June 3rd?

23 A. I don't recall any conversations with John Byrd
24 about that process.

25 Q. Did he ever talk to you in a more general sense

1 or you to him about a combination process involving both
2 flexography and lithography?

3 A. No.

4 Q. Had you seen flexo running in an offset press
5 before you joined Heidelberg?

6 MR. PINKERTON: Would you read that
7 question back, please.

8 (Requested text read)

9 MR. PINKERTON: Objection to form. It's
10 vague and ambiguous.

11 Q. (By Mr. Harris) Do you understand the
12 question?

13 A. I think I understand the question. There are
14 flexographic presses that print.

15 Q. I guess the question is, did you see those
16 flexographic presses in action, running in an offset
17 type press before you joined Heidelberg?

18 MR. PINKERTON: Same objection. Objection
19 as to form, vague and ambiguous.

20 A. Ask the first part of that again.

21 Q. (By Mr. Harris) Well, the first part of it is
22 to identify flexographic printing, flexo. And the next
23 thing is, have you seen it running in an offset press
24 before you joined Heidelberg?

25 A. Well, there -- as I said, there's a printing --

1 a type of printing press that uses offset technology
2 that is called a flexo press.

3 Q. Have you seen it running?

4 A. Sure.

5 Q. Before you joined Heidelberg?

6 A. Yeah.

7 Q. And was it offset?

8 A. To an offset process.

9 Q. I think I didn't know what I was asking. I'll
10 try again.

11 MR. PINKERTON: Shall we move to strike
12 those questions and answers?

13 MR. HARRIS: No. I don't think that's
14 necessary.

15 MR. PINKERTON: Voluntarily.

16 Q. (By Mr. Harris) Have you seen the flexo
17 running in any type of press other than a Heidelberg
18 press?

19 MR. PINKERTON: Again, I'm going to object
20 to form, vague and ambiguous. Have you ever seen it
21 running? That defies my comprehension, but maybe the
22 witness knows what it means.

23 MR. HARRIS: Just a minute.

24 (Off-the-record discussion)

25 Q. (By Mr. Harris) Have you ever seen on any

1 press, other than Heidelberg, a coating system with an
2 anilox roller running colored inks?

3 MR. PINKERTON: Object to form and object
4 to timeliness.

5 You're talking about ever prior to today?

6 MR. HARRIS: Yeah.

7 MR. PINKERTON: Okay. And would you
8 repeat the question one more time, please.

9 Read it back.

10 MR. HARRIS: It would be better if you do
11 it.

12 (Requested text read)

13 A. No, not to my recollection.

14 Q. (By Mr. Harris) Not to insult your
15 intelligence, but you do know what an anilox roller
16 is, don't you?

17 A. Yes.

18 Q. And could you describe one generally?

19 A. It's a roller that is screened or pitted with a
20 specific pattern designed to carry more or less coating
21 or coating material or dispersion coatings.

22 Q. Is it generally run in assembly with some kind
23 of a control blade?

24 A. Yes.

25 Q. What is that blade called?

1 A. Chambered doctor blade.

2 Q. And can you tell me if such a configuration has
3 been around pre-1990?

4 MR. PINKERTON: I object to form as to
5 which configuration, Bill. You're asking about the
6 anilox roller and the chambered doctor blade, both,
7 combination?

8 MR. HARRIS: Yeah. Make it the
9 combination.

10 MR. PINKERTON: Okay. Been around --
11 sorry. Now on the time, been around prior --

12 MR. HARRIS: 1990, I believe is what I
13 said.

14 MR. PINKERTON: Okay. Been around as of
15 1990?

16 MR. HARRIS: Yes.

17 A. I don't know.

18 Q. (By Mr. Harris) When is the first that you're
19 aware of, that is, the existence of such combination on
20 a Heidelberg press?

21 A. Sometime in 1994.

22 Q. And where did you see such a combination?

23 A. I believe it was at -- on our demo floor in --

24 Q. On what? I'm sorry?

25 A. On one of our demonstration facilities in

1 Chicago was the first time I believe I saw that, an
2 anilox roller.

3 Q. Uh-huh. And it had a doctor blade working with
4 it, did it not?

5 A. Yes.

6 Q. And where was it mounted with respect to the
7 press?

8 A. On the coating tower.

9 Q. That's the caboose end of the press, is it
10 not?

11 A. Yes.

12 Q. When in 1994? Is that the same as asking you
13 when you went to Chicago to -- to whatever kind of a
14 meeting it was?

15 A. I don't recall.

16 Q. That is the same, isn't it? Chicago was when
17 it was, right?

18 A. The first time I saw it?

19 Q. Uh-huh.

20 A. Yes.

21 Q. But what you don't recall is when you went to
22 Chicago?

23 A. Right.

24 Q. True?

25 A. That's true.

1 MR. PINKERTON: This is off the record.

2 (Off-the-record discussion)

3 Q. (By Mr. Harris) Do you know how long
4 Heidelberg has been running that process? And by "that
5 process," I mean the one that has the -- on the coater,
6 the anilox chambered doctor assembly?

7 A. I do not know.

8 MR. HARRIS: Hour and a quarter?

9 MR. PINKERTON: Yeah, 1:30.

10 (Recess taken)

11 Q. (By Mr. Harris) I'd like for you to refer to
12 what's been marked as Exhibit 2. Now, that is the
13 declaration, is it not?

14 A. Yes.

15 Q. You are nodding?

16 A. Yes, it is.

17 Q. I understand you mean yes, but the reporter has
18 trouble with a nod.

19 I am looking at the bottom lines on the
20 first page starting with, I met Jesse Williamson and
21 Bill Davis in the late spring of 1994, and was told by
22 them of there WIMS proprietary process for printing
23 metallic inks by offsetting lithography.

24 You do see that, do you not?

25 A. Yes.

1 Q. And then you say, Upon learning the
2 fundamentals of this process as explained to me by Jesse
3 Williamson and Bill Davis, I told the president of
4 Heidelberg USA -- and you're going to have to help me
5 with that pronunciation.

6 A. It's Hans Peetz-Larsen.

7 Q. One more time?

8 A. Hans Peetz-Larsen.

9 Q. Peetz? -- of this process. See Exhibit A. In
10 referring to Exhibit A, we talked earlier, had we not,
11 about it and specifically about your handwriting on the
12 bottom of it?

13 A. Yes.

14 Q. And then -- well, strike that.

15 And what I want to say instead is, what
16 you're talking about is that the fundamentals of the
17 processes, as you understood them, are at the bottom of
18 Exhibit A; is that true?

19 MR. PINKERTON: Objection to form in
20 regard to plural processes.

21 MR. HARRIS: I said process.

22 MR. PINKERTON: I thought you said
23 plural. The processes is what I thought you said.

24 MR. HARRIS: I hope I didn't say plural.

25 MR. PINKERTON: Object to form in regard

1 to -- this talks about the WIMS process.

2 Q. (By Mr. Harris) Whatever it's talking about,
3 it's on the bottom of the page of Exhibit A and that's
4 what you're making reference to that you learned the
5 fundamentals of the process as explained to you by
6 Jesse Williamson and Bill Davis when they told you about
7 their WIMS proprietary process; isn't that true?

8 A. Yes.

9 Q. Now, looking to Exhibit B that has been
10 referenced by a tag at the end of Exhibit 2 to this
11 deposition, I'm -- I need your help in telling me just
12 what that is. It's an August 5, 1994 letter, is it not?

13 A. Yes.

14 Q. To Bob Boyer?

15 A. Yes.

16 Q. And from Jerry Williamson?

17 A. Yes.

18 Q. And I don't -- I don't see you copied on the
19 letter. Did you receive it at that time?

20 A. I received a copy from Bob Boyer.

21 Q. Boy Emery?

22 A. Bob Boyer.

23 Q. He just didn't happen to put your name down.
24 Is that it?

25 A. Jerry wrote the letter. He only copied his --

1 Q. I see what you mean.

2 A. -- company's people.

3 Q. You weren't copied by Jerry, but then Bob got a
4 copy to you. Is that what you said?

5 A. Bob Boyer gave a copy to me.

6 Q. Now, does this represent a contract, this
7 letter, as you understand it? I'm not trying to make a
8 lawyer out of you.

9 MR. PINKERTON: Object to form.

10 A. No.

11 Q. (By Mr. Harris) Does it?

12 A. No, it does not.

13 Q. How would you characterize it, then, as to
14 purpose?

15 A. Clarification of some various points and some
16 outstanding questions that were made -- needed response
17 from us.

18 Q. Does the letter indicate that there was an oral
19 commitment made to buy presses?

20 A. I have to review the letter.

21 Q. Okay.

22 A. This -- particularly in Paragraphs 4 and 5.

23 Q. Okay. Let's see here.

24 A. I believe -- and 2 specifically are talking
25 about the purchase of the presses.

1 Q. Uh-huh. And in 5, there's a discussion about
2 various options of approach, however, are there not or
3 is there not?

4 A. I'm sorry? Say that again.

5 Q. Paragraph 5 talks about various options of
6 approach to handling a transaction?

7 A. Yes.

8 Q. Is that not true?

9 A. Yes.

10 Q. When was the order firmed up in writing to
11 where it would be more than an oral commitment?

12 A. I don't have an exact date.

13 Q. You what, sir?

14 A. I don't have an exact date.

15 Q. Do you have an approximate date? I'll take
16 what you've got.

17 A. I think that -- I don't have an exact date. An
18 approximate date would probably be sometime in August of
19 '94.

20 Q. Some period of time later, but maybe not much
21 later, right?

22 A. Correct.

23 Q. But you're not sure?

24 A. No, not sure of the exact --

25 Q. Now, I'll come back to this next paragraph a

1 little bit later. Where it starts off, At about the
2 time of the August 5, 1994 Jerry Williamson and winds up
3 at the end of the full Paragraph 2 with, They wanted to
4 perform tests to demonstrate the merits of this new,
5 improved process to be conducted in Germany.

6 Now, I do have one question about that as
7 we pass by it now, however. I don't -- well, strike
8 that.

9 Let me just say that I would appreciate
10 it if you could tell me if there is any documentation
11 or drawings or any kind of a notation of any sort to
12 support what's stated in that paragraph other than the
13 extent to which you think Exhibit B does that.

14 A. Exhibit B also contains correspondence with
15 people at BASF regarding their --

16 Q. Is that correspondence about plates?

17 A. About plates and also about what's called a
18 round exposing unit.

19 Q. Uh-huh. It doesn't show or tell or suggest
20 anything about a litho flex process or lithography,
21 slash, flexography process, does it?

22 MR. PINKERTON: Object to form, leading.

23 Q. (By Mr. Harris) Would you like to have that
24 read back?

25 A. Yes.

1 MR. HARRIS: Would you.

2 (Requested text read)

3 Q. (By Mr. Harris) Are you speaking about the
4 BASF material?

5 A. Yes. My opinion would be, yes, it does
6 indicate --

7 Q. Could you explain?

8 A. -- flexo. This is -- a photopolymer coating
9 plate is a flexo process plate.

10 Q. And where are the comments in that material
11 about the lithography part?

12 A. My answer to your question had to do with your
13 question about flexography.

14 Q. Well, I was meaning to put it a combination
15 process of some type between lithography and
16 flexography. That's what I meant by my slash and by
17 calling it also litho flex.

18 MR. PINKERTON: Object to the use of the
19 term litho flex, as well.

20 A. I don't know that term.

21 Q. (By Mr. Harris) You do know the term
22 lithography and flexography. And do you understand
23 what I'm getting at when I say slash in between?
24 Lithography, slash, flexography, or if you like,
25 flexography, slash, lithography?

1 MR. PINKERTON: Just so the record's
2 clear, I think by using slash, you're talking about a
3 combination of flexography and lithography?

4 MR. HARRIS: Certainly.

5 A. I understand that.

6 Q. (By Mr. Harris) Okay.

7 MR. HARRIS: I'm not sure I was clear to
8 begin with.

9 MR. PINKERTON: You were, then it got
10 unclear. It was great, then it got messed up.

11 MR. HARRIS: You think so, huh?

12 A. So you're wondering if this BASF material
13 indicates what? It does indicate flexography.

14 Q. (By Mr. Harris) It indicates something about
15 flexography, right?

16 A. Yes.

17 Q. It doesn't talk about lithography at all, does
18 it?

19 A. Well, I can't read all of it, so I really can't
20 tell you.

21 Q. Well, sir, can you -- you mean the copy's so
22 poor?

23 A. Right. I can't make out the third page here at
24 all.

25 Q. Well, I think we can do something about that.

1 MR. PINKERTON: Pretty small print.

2 MR. WILSON: It's Exhibit B, isn't it?

3 MR. HARRIS: It is.

4 THE WITNESS: Last page of Exhibit B.

5 MR. WILSON: This one that you gave me,
6 Bobby, doesn't have any of this BASF stuff in it.

7 MR. PINKERTON: Let me see it. That is
8 1265?

9 MR. WILSON: Here it is right here. We
10 got it reshuffled.

11 MR. HARRIS: Bobby. Did you short sheet
12 us?

13 MR. FALK: Pardon? What are you saying?

14 MR. PINKERTON: We got it. It got
15 shuffled. The exhibits are out of order.

16 MR. WILSON: Is that the same stuff?

17 MR. PINKERTON: Yeah, I think. Yeah.

18 It's the same document. It's got that little arrow at
19 the top just like this one does.

20 MR. FALK: Are we all referring to
21 W001265?

22 MR. PINKERTON: Yeah. Of course, here
23 it's not numbered, but he's looking at a copy of that
24 that's not Bates numbered.

25 MR. HARRIS: What did you say Bobby? What

1 number?

2 MR. FALK: On this one, on your subpoenaed
3 version, this is W001265. It's the Bates number at the
4 bottom.

5 MR. HARRIS: That's true.

6 MR. FALK: Okay.

7 A. There's a line -- a section here called
8 Suitable, I believe it is. Suitable coatings and inks
9 on this third page.

10 Q. (By Mr. Harris) Meaning what, sir?

11 A. If you're asking my opinion, they're listing
12 acquiesce coatings, UV coatings, varnishes, coatings and
13 inks on the base of alcohol and ethyl acetate. So
14 there -- to answer your question, would this -- do these
15 indicate flexography as well as lithography, I would say
16 yes.

17 Q. Or do you mean lithography as well as
18 flexography?

19 A. I'm differentiating -- how do you mean? How
20 are you --

21 Q. Well, I think it's mainly, you said, pointed
22 towards flexographic plates, isn't it?

23 A. Yes.

24 Q. That's the main thrust of the BASF material.
25 And the -- what you've referred to is, I guess, some

1 extra thing you can do or something you can do first? I
2 don't know which. Which and how? You've referred to
3 the inks. You've referred to the coatings and so on.

4 A. Correct.

5 Q. How is that done? What does it say? Does it
6 say lithograph? Does it say flexograph?

7 A. No, it does not say.

8 Q. Does it say flexograph or lithograph or what?

9 MR. PINKERTON: Did he have an answer in
10 there?

11 THE REPORTER: He said, no, it does not
12 say.

13 MR. PINKERTON: Oh, okay.

14 MR. HARRIS: Did he what?

15 MR. PINKERTON: He gave an answer. I
16 didn't hear it.

17 MR. HARRIS: Did he?

18 MR. WILSON: He said, no, I don't see it
19 or something like that.

20 MR. PINKERTON: Yeah.

21 Q. (By Mr. Harris) Is the reference you pointed
22 out the closest thing to perhaps suggesting lithography
23 that appears in that material?

24 A. I've got to say for one thing, I'm a little
25 confused by lithography -- your use of the word

1 lithography and flexography in that you can combine
2 the two processes on the same machine, but the two
3 processes are unique to each other.

4 Q. I understand, sir.

5 A. So when you ask does a flexography plate
6 combine flexography and lithography, then the answer
7 is no. Can the two processes be mixed, utilized at
8 the same time on a printing press, the answer is yes.

9 Q. But that's not what this BASF attachment's
10 about, is it?

11 A. It is about making flexo plates --

12 Q. Thank you.

13 A. -- that are in a round -- on this round
14 exposing unit have extremely tight registration
15 tolerances. And the only reason for that registration
16 tolerance is if you were going to use that plate for
17 printing a -- an image that has to register, has to
18 be -- has to be equal. Otherwise, this piece of
19 material, if I lay it flat and expose an image on top
20 of it, I run the risk of having what -- and I take that
21 and I put it on a cylinder and it was curved, I run the
22 risk of having distortion. If I expose it in this
23 position, which is called the round plate maker, then I
24 expose it on exactly the same diameter cylinder as a
25 printing cylinder on a Heidelberg press. So I'm going

1 to have exact registration. And that's only -- the only
2 time that's needed is when you are either printing or
3 registering an image, not just coating the whole sheet.

4 Q. Registering an image like on another image?

5 A. Right.

6 Q. Alignment?

7 A. Yes.

8 Q. Would you look at Paragraph 3 with me, please.

9 (Conference between the witness
10 and Mr. Pinkerton)

11 MR. PINKERTON: Counsel, I think the
12 witness wants to expound on his previous answer. Would
13 you like for him to do that?

14 MR. HARRIS: I'm trying to figure out what
15 his previous answer was.

16 MR. PINKERTON: Well, I think he had said
17 what documentation is as it relates to this portion of
18 Paragraph 2 that you brought his attention to. And he
19 started off by looking at the BASF materials, at Exhibit
20 B, and he's now looking at other materials. And I think
21 he's got some comments about those.

22 Q. (By Mr. Harris) Do you have some additional
23 materials that we haven't talked about?

24 A. These are in Schedule C.

25 Q. In what C?

1 A. Schedule C.

2 MR. PINKERTON: Tab C.

3 Q. (By Mr. Harris) I thought we were going down
4 here in Paragraph 3. I was coming on down to it.

5 A. Okay.

6 Q. And are you talking about this third line of
7 Paragraph 3 where it talks about a proposal from him for
8 Williamson (Exhibits C, D) in early September?

9 A. Yes.

10 Q. Is that what you're talking about?

11 A. Yes.

12 Q. Well, fine. Let's turn to those exhibits, if
13 we can.

14 MR. PINKERTON: Bill, I -- just for the
15 record, I don't want to confuse things here, but --
16 again, you said you're coming back to this Paragraph 2?

17 MR. HARRIS: Yes.

18 MR. PINKERTON: We'll just do it then.

19 MR. HARRIS: Yes.

20 MR. PINKERTON: Okay.

21 MR. HARRIS: My goodness. How many pages
22 do we have here? We have a W001269 --

23 MR. PINKERTON: 11.

24 MR. HARRIS: W001268, isn't it?

25 MR. PINKERTON: Yeah.

1 MR. HARRIS: That starts --

2 MR. PINKERTON: 1268 through 1279, uh-huh.

3 Q. (By Mr. Harris) Are you in agreement that
4 that's C?

5 A. Are you asking me?

6 Q. Yes.

7 A. That is Chapter -- or Tab C.

8 Q. And sir, what is C about?

9 A. It's about a round exposing unit and also the
10 flexo plates. They call it nyloflex. If you look on
11 W001272 under, Products and Benefits, it explains what I
12 was saying --

13 Q. Is it -- I'm sorry.

14 A. -- having to do with resolution registration.

15 Q. Does it have any reference in it or description
16 in it regarding lithography?

17 A. I'm, again, having a little trouble with
18 lithography and flexography being that lithography, to
19 me, means the transfer of an image to a blanket -- an
20 offset blanket and on to paper. And lithography and
21 lithographic plate and a flexographic plate do the same
22 thing. They put an image on a blanket.

23 Q. Isn't it a fact that the plates differ in that
24 you find recessed or raised portions on a flexographic
25 plate and you don't on a lithographic plate?

1 A. That's correct.

2 Q. And isn't it also true that in general in
3 flexography, you talk about water base, and in
4 lithography, you talk about oil base? Isn't that true?

5 A. I couldn't answer that. I'm not sure what
6 coatings are made up of.

7 Q. Would your answer be any different if I talked
8 about inks and I talked about the lithographic inks
9 being oil based and the flexographic inks being water
10 based?

11 A. I can't answer that. I don't know the answer
12 to that question.

13 Q. So is it fair to say that there may be wrinkles
14 to flexographic printing and lithographic printing that
15 you don't know about insofar as the distinctions are
16 concerned?

17 MR. PINKERTON: Objection, form.

18 A. I don't understand your question either.

19 Q. (By Mr. Harris) Well, do you agree with me
20 that you're not an expert in the distinction between
21 lithographic printing and flexographic printing?

22 A. I'm not sure how to answer your question. I
23 would say that I am not an expert in the flexographic
24 process.

25 Q. As to the lithographic process, can you tell me

1 whether the inks are oil based or water based?

2 A. They could be oil based. They could be soy
3 based. There are water based. There are varied --
4 there are all kinds of inks. They could be all
5 different kinds of inks.

6 Q. Do you consider yourself an expert in
7 lithographic printing and the inks and apparatus
8 thereof?

9 A. Lithographic printing?

10 Q. Yes, and the inks and apparatus thereof and
11 therefore.

12 MR. PINKERTON: Objection to the form.

13 A. I'm not sure what your -- can you define
14 expert?

15 Q. (By Mr. Harris) Someone 100 miles away from
16 home with a pretty good pocket book. I don't know. One
17 is an expert or they're not an expert. I admit there is
18 matters of degree to it. The lawyers argue about it
19 these days in a case called the Daubert case. And we
20 don't know what experts are. But I know whether you
21 think you're an expert or not because of what you say.
22 And that will be interesting to put on the record
23 whether you think you're an expert or not.

24 A. Yes, sir.

25 MR. PINKERTON: Object to the form of the

1 question in terms of being vague and ambiguous for a lay
2 witness to define and term expert.

3 MR. HARRIS: Does "lay" mean he's not an
4 expert?

5 MR. PINKERTON: He's just -- he's in the
6 printing business.

7 Q. (By Mr. Harris) Not trying to put you down on
8 that, sir. I just want your view of it so I'll know how
9 to proceed in this lawsuit.

10 A. There are people who would be experts. There
11 are people who have knowledge to varying degrees and
12 then there are people who have no knowledge of the
13 process. And I would tend to put myself somewhere in
14 that category of having a degree of knowledge and being
15 somewhere on that scale.

16 Q. Reasonable summary to say somewhere in between?

17 A. Somewhere in between.

18 Q. Okay. With your degrees of knowledge in this
19 matter, you testified about flexo and you testified
20 about litho. Can you explain the difference between the
21 flexo inks and process and the litho inks and process?

22 MR. PINKERTON: Objection, form. That
23 question's vague and ambiguous and compound.

24 A. I think I answered that question. You may want
25 to check your record, but I believe it was answered.

1 Q. (By Mr. Harris) Are you able to give an answer
2 to the question?

3 A. I have knowledge of both processes to varying
4 degrees.

5 Q. I believe the question was to explain the
6 difference.

7 MR. PINKERTON: Objection to the form
8 again, asked and answered.

9 A. I believe -- I believe I've answered the
10 question.

11 Q. (By Mr. Harris) You believe if we read back
12 all of your testimony, you'd have an answer to that?

13 A. Yes, I do.

14 Q. What?

15 A. Absolutely.

16 MR. HARRIS: I'm giving some thought about
17 whether to do that or not. I hate to ask for it, but
18 let me take three or four minutes here.

19 (Recess taken)

20 Q. (By Mr. Harris) We talked earlier about, in a
21 very general sense, D paired up with C in your affidavit
22 on Line 5 of Paragraph 3. And so I want now to go to
23 Exhibit D. And what is Exhibit D?

24 A. It's a proposal from BASF to Williamson
25 Printing for a round exposing unit and also addresses

1 their plate pricing and so forth.

2 Q. And also what? I'm sorry.

3 A. Plate pricing.

4 Q. Explain to me in a little more detail what this
5 equipment is.

6 A. The equipment is a round exposing unit and
7 it -- it exposes the image from a negative transfer.
8 Transfers it from a negative to -- with light to the
9 printing plate. In this case, their brand is a nyloflex
10 flexographic plate.

11 Q. And is there any other equipment discussed
12 other than that?

13 A. Processing unit. What's called a washout
14 unit.

15 Q. A what kind of processing is it?

16 A. It's called a nyloflex washout unit. What that
17 does is processes the image to the plate.

18 Q. Can you describe that?

19 A. It's a machine which the plate's inserted into
20 the machine and the un- -- I call it the non-image area
21 of the plate is removed.

22 Q. What is the date of this purchase option?

23 MR. PINKERTON: Are we looking at
24 Exhibit C or Exhibit D at this point in time, Bill?

25 MR. HARRIS: I don't know. I think we're

1 looking at D instead of C, but --

2 THE WITNESS: I'm looking at C.

3 MR. HARRIS: It looks like what we're
4 really looking at is -- I'm mistaken. And what we're
5 really looking at is C, the last part of C.

6 MR. PINKERTON: That's what I kind of
7 gathered, too.

8 THE WITNESS: I'm looking at C.

9 MR. HARRIS: So this is the last part of
10 what we've already talked about, isn't it?

11 Q. (By Mr. Harris) Isn't this the last part that
12 you already testified to just a few moments ago?

13 A. I think we were talking about B. Now, the
14 second part of B, which was information on the round
15 exposure unit.

16 Q. Well --

17 A. And the last three pages of Section B --
18 Section C is dated October 13th, '94.

19 MR. HARRIS: Yeah. I think -- off the
20 record.

21 (Off-the-record discussion)

22 Q. (By Mr. Harris) I was treating one as another
23 section when it --

24 MR. PINKERTON: Okay. Okay. So we're
25 talking about D now?

1 MR. HARRIS: No, no. I'll go ahead and
2 cover what I hadn't covered.

3 MR. PINKERTON: Okay. On C?

4 Q. (By Mr. Harris) Now, what we really just had
5 testimony about in the appendix or attachments to your
6 affidavit I have as W001265 being the last page. Is
7 that correct? It's the last page of B?

8 A. Yes.

9 Q. Okay. Now, then, we go to C. Is C related in
10 some manner to B?

11 A. To the last three pages of B, yes.

12 Q. And what is that relation?

13 A. Both C and D are quotations and proposals for
14 the equipment described on the last three pages of
15 Section B.

16 Q. And is this a proposal from BASF?

17 A. Yes.

18 MR. PINKERTON: This being Exhibit C.

19 Q. (By Mr. Harris) This being C now?

20 A. Yes, sir.

21 Q. And what is D?

22 A. D is a preliminary pricing given to me on
23 September 6th from Domenic Coppola who is a sales -- was
24 at the time the salesperson for BASF.

25 Q. And to be clear about it, what is being

1 priced?

2 A. A round exposure unit. RB 270 is the model.

3 Q. As you generally described the ground unit
4 earlier?

5 A. Round unit.

6 Q. Round unit earlier. I'm sorry. My mouth is
7 slipping.

8 A. Yes.

9 Q. Now, what is it in these Exhibits C, D, and
10 E -- let me back off -- let me put it this way.

11 There's subject matter about a possible
12 transaction or material from BASF that's contained in B,
13 C, and D. Agreed?

14 A. Yes, and E.

15 Q. Okay. And what I would like to know is, what
16 is there about this material that causes you to believe -
17 that your point in your affidavit is supported?

18 MR. PINKERTON: And can we focus on a
19 particular point in the affidavit?

20 MR. HARRIS: Where he made the point.

21 Q. (By Mr. Harris) Take 3, where you talk about C
22 and D. I see you saying, Round exposure unit for making
23 flexographic plates and received a proposal from him for
24 Williamson in early September 1994.

25 Is there something there that supports

1 the position that some disclosure was made to you by
2 Williamson --

3 A. Previous paragraph --

4 Q. -- other than what you just say?

5 A. The previous paragraph explains that.

6 Q. Well, I see Exhibit B referred to in the
7 previous paragraph.

8 A. No. If you read past that, there's an
9 explanation.

10 Q. Huh?

11 A. If you read past there, there's an explanation
12 as to why BASF is mentioned.

13 Q. Well, why don't you tell me why. Would you,
14 please.

15 A. Jesse and Bill talked about improving their
16 WIMS process and the ideas that they had about it
17 doing it with flexography. One pass being their goal.
18 They talked about add-on units, talked about other
19 ways of doing it -- doing this. Also adding maybe
20 some drying experimental drip -- inner depth drying
21 units, but they wanted a test. And that leads into they
22 wanted to test the process and then they needed to test
23 the flexographic plates from BASF for accuracy,
24 registration, and resolution.

25 Q. So then is it fair to say that the points

1 you get out of this is showing your support that
2 flexographic plates were being sought by them in or
3 around September through your efforts?

4 A. Yes.

5 Q. Do you suggest that the exhibits show anything
6 else other than that?

7 MR. PINKERTON: Object to the form of the
8 question. The exhibits will obviously support --

9 A. It's all there.

10 Q. (By Mr. Harris) Is that a complete statement,
11 what you make in Paragraph 3, I guess, is my point. Is
12 that what you attached these materials for, to show that
13 flexographic plates were being ordered or at least a
14 proposal was being obtained for them -- for Williamson
15 in early September of '94? Is there anything further
16 that you believe is shown?

17 MR. PINKERTON: Object to the form. It's
18 vague and ambiguous.

19 A. I have to agree with that.

20 Q. (By Mr. Harris) What?

21 A. I'd have to agree with counsel. Vague and
22 ambiguous statement.

23 Q. You don't know what I'm talking about?

24 A. I refer to my statement here.

25 Q. Is that the point of having these attached to

1 your statement under Paragraph 3?

2 A. Yes.

3 MR. PINKERTON: Object as to form.

4 Q. (By Mr. Harris) And then all I was asking is,
5 is there some other thing that I'm missing? Is there
6 some other thing that they're supposed to show other
7 than what you say in Paragraph 3?

8 MR. PINKERTON: I'm going to object to
9 form because I don't know that he's going to know what
10 you might be missing, Bill.

11 MR. HARRIS: I hope it's here.

12 A. I don't believe there's anything missing.

13 Q. (By Mr. Harris) Okay. Then I won't look for
14 any additional snakes in there. And does this early
15 September reference assist you in putting a date in when
16 you had this explanation from Jesse Williamson and Bill
17 Davis about their intention to improve the existing WIMS
18 process?

19 A. No. As my statement says, I believe that was
20 more in late spring of '94. And August, more in -- we
21 were having conversations about the -- what we'll call
22 the LYL Heidelberg machine as early as late spring. And
23 then in -- so it's talked about at that time and then
24 also in August, around the time of this letter, this
25 August 5th letter.

1 Q. Is there a boil down -- what was that answer?

2 A. What was the question?

3 Q. The question was, did it help you any -- from
4 the early September date that was on this exhibit
5 leading to BASF, did it help you any to date when you
6 had an explanation from Jesse Williamson and Bill Davis
7 that they intended to improve the existing WIMS
8 process?

9 A. No. I believe that the August 5th letter,
10 Tab B, Paragraph, 3 into -- better date, better support
11 that we'd discussed it even before August 5th.

12 Q. What is there in Paragraph 3 that -- what is it
13 in Paragraph 3 that causes you to believe that?

14 A. In Paragraph 2 and 3, we're talking about a
15 six color press that has a triple tower configuration
16 to coating units. Then Paragraph 3 discusses going
17 to a demo and seeing one of these machines with the
18 chambered -- which had the chambered doctor blade system
19 in Canada, in Montreal. That was subsequently done. So
20 the --

21 Q. How does that tell you that? How does that
22 give you that information?

23 A. We agree with your suggestion not to place
24 the order for this unit until after we have had our
25 demonstration at Interglobe Printing in Montreal,

1 Canada. The reasons for going to Montreal were
2 twofold. One was the chambered doctor blade system --
3 anilox system, and two was to see the gloss levels of
4 UV coating.

5 Q. Of what kind of coating?

6 A. Ultraviolet, UV.

7 Q. Was it anticipated that flexographic printing
8 would take place there?

9 A. Oh, yes, spot coating in this particular --

10 Q. And that spot coating would be done with those
11 coating towers?

12 A. Yes.

13 Q. So this really isn't about flexographic coating
14 up front as far as this particular item's concerned, is
15 it?

16 A. It's about the registration, accuracy, and the
17 coating level, distribution level of the anilox
18 chambered doctor blade system, which was being explored
19 for the printing process.

20 MR. HARRIS: Would you repeat my
21 question.

22 Q. (By Mr. Harris) I'm not sure you answered my
23 question. I think you gave me an alternative statement.

24 (Requested text read)

25 A. I think I answered that.

1 Q. (By Mr. Harris) I think what you did is
2 tell me what it was about. And I asked you, I believe,
3 what it wasn't about. And do you agree with me on the
4 statement of what I said it wasn't about?

5 MR. PINKERTON: Objection as to form,
6 vague and ambiguous.

7 What did you say?

8 MR. HARRIS: Read it back one more time
9 what I said back when.

10 (Requested text read)

11 A. I believe I answered your question.

12 Q. (By Mr. Harris) What?

13 A. I believe I answered your question.

14 Q. I don't believe you did. I'm asking you if
15 there was flexographic coating in a press system up
16 toward the front of the press in Montreal or planned for
17 Montreal?

18 A. This is a new question.

19 Q. Well, and maybe it's a better one. Let's see
20 if we can do something with it.

21 A. Not to my knowledge, there was not.

22 Q. Okay.

23 MR. PINKERTON: That was a much better
24 question, Bill. I like that one.

25 MR. HARRIS: You liked that one?

1 MR. PINKERTON: Much clearer.

2 MR. HARRIS: I formulated it for you,
3 John.

4 Q. (By Mr. Harris) You made reference to Item 2
5 in that letter. What is there about Item 2 that
6 particularly jogs your memory or says something to you
7 about when you got an explanation from Jesse Williamson
8 and Bill Davis about intent to improve the existing WIMS
9 process?

10 A. What jogs my memory is that what's being
11 discussed here is the six color triple tower, double
12 coater press, which includes the anilox chambered doctor
13 system. There -- the last sentence of the last -- the
14 tail end of the sentence talked about there not being
15 one of these presses available for five or six months.
16 And Williamson says, We agree to substitute the six
17 color triple tower coater, double coater press for the
18 first eight color press we had originally ordered in the
19 first press order. And so what this is telling me is
20 that there already existed an order for the triple tower
21 machine. It had been discussed and come to the point of
22 here saying, you can't get us one for five to six
23 months, so let's go ahead and deliver an eight color in
24 the meantime.

25 MR. PINKERTON: You mean the six color?

1 THE WITNESS: Yeah.

2 MR. PINKERTON: I, just for the record --

3 MR. HARRIS: Six.

4 MR. PINKERTON: Yeah. He said eight. I
5 think he meant six.

6 MR. HARRIS: It's okay with me.

7 MR. PINKERTON: Okay.

8 A. I had that backwards.

9 Q. (By Mr. Harris) Is there something under
10 that 2 about flexographic painting -- printing --
11 flexographic printing?

12 A. Not specifically there in Paragraph 2, no.

13 Q. Well, now, then in summary, what is there about
14 2 and the 3 that made you think that the Williamsons --
15 that Jesse Williamson and Bill Davis had explained this
16 intent to improve the existing WIMS process? Not
17 according to what they did or didn't do. I want to know
18 right now what there is about these two paragraphs that
19 caused you to believe that you can date when they had a
20 conversation or a contact with you.

21 A. You've already asked that. I'll answer it
22 again.

23 Q. Okay.

24 A. And I've answered it.

25 Q. I appreciate that.

1 A. Paragraphs 2 and 3 both are discussing a press
2 with the anilox chambered doctor blade system. And that
3 subject covered both coating, but also this flexographic
4 process for coating as well as metallic dispersion
5 coatings of gold and silver, bronze, all kinds of
6 applications..

7 Q. Are you telling me included in them were a
8 number of things?

9 A. These two paragraphs?

10 Q. Yes. They covered a number of things insofar
11 as what could be done by this -- well, let me just kill
12 all that and start over again.

13 I was trying to find out what helped you
14 date a conversation or a contact. Do you recall that?

15 A. Uh-huh.

16 Q. And in so doing, I've asked about Paragraphs 2
17 and 3 because you had made reference to them. And I
18 understand that the doctor blade system has something to
19 do with that apparently. Now, just what is it?

20 A. It -- what is the system?

21 Q. Yeah. What is it that chambered doctor blade
22 has to do with reminding you of such a conversation or
23 contact with Mr. Davis and Mr. Jesse Williamson?

24 A. They as -- they wanted to see Heidelberg's
25 chambered doctor blade system and to be able to analyze

1 it for the several reasons that I mentioned before, the
2 coatings, but also for dispersion coatings and
3 metallics. And I think we even did testing with some
4 pigmented coatings, color coatings.

5 Q. Where was the doctor blade unit mounted?

6 A. On which press?

7 MR. PINKERTON: Object to form.

8 Q. (By Mr. Harris) In the Montreal system.

9 A. On the two coating units.

10 Q. That's at the rear end of the press, is it
11 not?

12 A. Yes.

13 Q. So there's nothing about 2 and 3 that
14 specifically suggests the front end of the press
15 for doctor blades or anything else, is there?

16 MR. PINKERTON: Objection, leading.

17 A. There is not a direct reference. However, the
18 statement in Paragraph 3, We agree with your suggestion
19 not to place an order for this unit until after we have
20 had our demonstration at Interglobe Montreal, Canada and
21 after having received a presentation from the
22 manufacturer.

23 There's -- in that, our suggestion was
24 test this system for your uses -- your intended uses.
25 And that was -- Montreal was the first test for that.

1 Q. (By Mr. Harris) Were you there?

2 A. No.

3 Q. Did you get a report?

4 A. Not written. Verbal report.

5 Q. What was the sense of the report?

6 A. That the chambered doctor anilox roller system
7 appeared to do -- to down the thicknesses of coatings
8 and volume and -- that they would need and that the
9 coating plates, the flexographic plates that were used,
10 however, did not fit well, which led into the round
11 exposing unit.

12 Q. Led into what?

13 A. Led into exploring the round exposing unit,
14 which greatly improves the flexographic plates'
15 registration and resolution.

16 Q. I thought you were checking into the round
17 plates well before Montreal. What I'm reading makes me
18 think that --

19 A. September 6th was roughly the time frame of my
20 first inquiry --

21 Q. Yeah.

22 A. -- to BASF.

23 Q. And when was the Montreal thing?

24 A. That was --

25 Q. Why don't you try Exhibit E and see if it

1 helps. I'm not sure that it's clear. But if it is,
2 though, please tell me.

3 A. Montreal, November 3rd, 1994. I find that on
4 Section E, W001282.

5 Q. So that had you checking into the round plates
6 really before the event instead of after it, didn't it?

7 A. Yes.

8 Q. Do you know why?

9 A. The reason is we knew -- I'll say we, as
10 Heidelberg people, as well as Williamson people, knew
11 that the computer interpolation of round distortion is
12 not accurate. And the Montreal trip confirmed that. So
13 our search began looking at people who were having to
14 make plates that registered well. And the feedback that
15 we got from our factory as well as -- if you'll notice
16 in the letter dated October 17th, Point 6 points out
17 that we, the Heidelberg Factory, uses the round exposure
18 unit for demonstration for printers around the world and
19 cannot be without this unit.

20 This is the -- if you look at Paragraph 2,
21 it references the spot coating register, again, the
22 registration issue that occurred in Montreal. And --

23 Q. Paragraph 2 of which letter?

24 A. October 17 letter, Section E.

25 Q. Uh-huh. I have it. Section what? Tab E?

1 MR. PINKERTON: Tab E.

2 MR. HARRIS: Tab E.

3 Q. (By Mr. Harris) Well, I have Tab E and I have
4 the October 17 letter.

5 A. Paragraph 2.

6 Q. So when we get beyond registration and plates
7 and we come to -- just a minute now. I'm just about to
8 skip something. What significance does the October
9 26th, 1994 letter under Tab F have to you?

10 A. This is -- in 1995, what we call DRUPA, we had
11 design changes being made to our presses. Now, the six
12 color triple tower coater machine is scheduled -- was
13 scheduled to ship December '94. Meaning that it would
14 not have the updates, design changes that would be
15 forthcoming in May. It says third quarter here in '95.
16 And then John Dowey, who wrote this letter, the last
17 paragraph refers to December 10th -- week of December
18 10th trip to demonstrate the chambered doctor system for
19 coating and to give private showing of the DRUPA
20 design. Those -- that's referring -- that didn't
21 actually happen, I think, until January.

22 Q. It was put off, wasn't it?

23 A. Right.

24 Q. Well, what -- to you, is there any special
25 significance of that letter other than just what's

1 said?

2 MR. PINKERTON: Object as to form.

3 Q. (By Mr. Harris) With respect to your
4 affidavit, does it have any special significance?

5 A. The significance in my affidavit --

6 Q. Yeah.

7 A. -- is that it referred to the original
8 December 10th date -- original date and followed up
9 with --

10 Q. This January date, I don't have it before me.

11 A. January 20 through 21st. So significance had
12 to do with the chambered doctor blade system and that we
13 were going to test in Heidelberg.

14 Q. Okay. Let's take a look at G because it's
15 here. And that's really more of the same thing, isn't
16 it?

17 MR. PINKERTON: Object to form.

18 Q. (By Mr. Harris) That's November 8, Heidelberg
19 to Bob Boyer. I have it under Tab G. I take no
20 responsibility for tab numbers.

21 MR. PINKERTON: Yeah. Two letters under
22 Tab G, November 8 and November 7. One letter, one memo,
23 I guess.

24 MR. HARRIS: Yeah. I really hadn't said
25 anything about it yet, but I agree with you.

1 Q. (By Mr. Harris) My question's simple enough.
2 Under G, the document, W001287?

3 A. Uh-huh.

4 Q. Dear Jerry and Jesse of November 8th, '94 from
5 Bob Boyer. What --

6 A. From Bob.

7 Q. -- significance --

8 A. Okay.

9 Q. Huh?

10 A. Go ahead. I'm just making sure I'm on the
11 right page.

12 Q. What significance does that document have to
13 you as it relates to your affidavit?

14 A. Pointing toward the testing of both the flexo
15 plates and the chambered doctor system is note worthy.
16 That's --

17 Q. Is what?

18 A. That is -- that and also some -- the desire to
19 be able to have special clamps, plate clamps put on the
20 press so that they can register the image in a better
21 way. They had more -- more registration capabilities.

22 Q. And the letter's generalized as to the --
23 exactly how the plates would be used and the clamps
24 would be used except for the fact that it appears they
25 would be used in conjunction with the coating tower,

1 doesn't it?

2 A. Yes. You would need to retrofit a particular
3 unit.

4 Q. And the chambered doctor system would also be
5 on the coating tower, wouldn't it?

6 A. Not normally.

7 Q. Huh?

8 A. Not normally.

9 Q. But it says so right here, though, doesn't it,
10 in the letter?

11 A. No, it doesn't say that.

12 Q. Third line, what does it say? Chambered doctor
13 system for the coating tower.

14 A. It doesn't say it's normally on a machine.
15 It's --

16 Q. Well, that --

17 A. -- abnormal.

18 Q. Let me ask you if in this letter it doesn't say
19 that the chambered doctor system for the coating tower.
20 And what you're telling me is that a lot of coating
21 towers don't have doctor systems?

22 A. Yes, that's correct.

23 Q. Isn't that what you're correcting me on?

24 A. Yes.

25 Q. Okay. I consider myself corrected. All I'm

1 trying to find out from you is that's the location
2 that's -- this letter is considering for the coating
3 tower, is it not? That is --

4 A. Yes. I --

5 Q. -- for the chambered doctor system for the
6 coating tower?

7 A. Yes. I answered that question.

8 Q. Yes. And then still in this letter, it's
9 thought about the date for the German trip to be
10 December 10, right?

11 A. Yes.

12 Q. And then you come over to the next page in the
13 same exhibit number or appendix condition -- and that's
14 G, second page, W001286. And it's related basically to
15 the same topic, isn't it, as the prior letter?

16 A. Yes.

17 Q. And then I come to a group of calendars on --
18 calendar pages --

19 A. Uh-huh.

20 Q. -- under Exhibit H. And I trust that's your
21 calendar?

22 A. Yes, it is.

23 Q. Now, you'll have to help me on dates because
24 there's not a single date I can read on a single one.

25 A. We've got the original or not?

1 Q. Let me hold off on what I just said.

2 A. It's normally up in the upper right corner.

3 Q. I've been given a copy.

4 MR. WILSON: It's another bad xerox. I
5 think this is Exhibit 3. This is out of the copy that
6 Mr. Pinkerton brought earlier that has the dates on it.

7 MR. HARRIS: Thank you, Mr. Pinkerton.

8 (Exhibit 3 marked)

9 MR. PINKERTON: See, we've got on the
10 record that that's a copy of Tab H --

11 THE WITNESS: Yes.

12 MR. PINKERTON: -- to Exhibit 2.

13 MR. HARRIS: Yes. We had to find a better
14 original or copy in order to make that copy.

15 MR. PINKERTON: Yes.

16 MR. HARRIS: That's true.

17 Q. (By Mr. Harris) And referring to that
18 exhibit -- is what has become Exhibit 3?

19 MR. PINKERTON: Right. We've marked it as
20 Exhibit 3.

21 Q. (By Mr. Harris) Exhibit 3, just to sort of
22 tickle your memory, tell me something that I'm just
23 dying to know. I would like to know what you had for
24 lunch at the company's cafe.

25 A. Which day?

1 Q. Don't read it. It's not fair to read it.

2 A. Salmon.

3 Q. There were some other things that were there,
4 too. What else was there in the way of food?

5 A. We had dessert that was cleverly disguised as a
6 salad. You thought you were biting into a tomato and it
7 was a sorbet.

8 Q. Ice cream shaped?

9 A. Uh-huh. There was, oh, slice of avocado that
10 turned out to be pistachio ice cream. That's the meal I
11 had.

12 Q. Looks like to me they were just trying to fool
13 the passenger, but they were giving them something
14 good?

15 A. Uh-huh.

16 Q. It's actually a company cafe, wasn't it?

17 A. It's a -- called the Casino. Chef there for --
18 at all times for visits -- visitors.

19 Q. Would you quickly give me a rundown on who
20 Michael Yates is and Steve Clark and the company they're
21 with.

22 A. Most of the fellows are from Wolstenholme, an
23 English company.

24 Q. What do they make? Are they in the inks
25 business or what?

1 A. Well, they make -- well, I don't know if they
2 make inks, but I know they make the powders or the
3 granulated metals, gold, silver, bronze. I don't know
4 if they make -- put those in the inks and sell them or
5 if they sell their powders to ink companies. I'm really
6 not sure about that ink.

7 Q. And the two Williamsons and Bill Davis were
8 directing the tests; is that true?

9 A. Primarily Jesse and Bill Davis.

10 Q. And Peter Schwaab and Reginald Retting and
11 Klaus Sauer, who are those people?

12 A. Those are all Heidelbergers.

13 Q. Do you really call them Heidelbergers?

14 A. Yeah. The town's name is Heidelberg, so --

15 Q. I see.

16 A. They -- it's like being a Dallasite or a
17 New Yorker. Klaus was our lead press demonstrator.

18 Q. Was what?

19 A. Our lead press demonstrator. And --

20 Q. He was from Heidelberg -- and I can't say the
21 next one. Drucksmaschinen or what is it?

22 A. Drucksmaschinen, uh-huh.

23 Q. A.G.?

24 A. Yes.

25 Q. And that's the German Heidelberg company?

1 A. Yes.

2 Q. And what was his position with the company?

3 A. Klaus?

4 Q. Uh-huh.

5 A. Klaus was the lead press demonstrator.

6 Q. And Bob Boyer, your supervisor, huh?

7 A. Yes.

8 Q. Is he with the company anymore?

9 A. Yes.

10 Q. What does he do now?

11 A. He is vice president of sales, south region,
12 Kennesaw, Georgia.

13 Q. Do you have any kind of an office? And by
14 "you," I mean, the office in New York City.

15 A. Actually in Jersey.

16 Q. What?

17 A. It's actually in Jersey. At -- for 40 years up
18 until 1995, the headquarters -- national headquarters
19 was in New York City.

20 Q. That explains my confusion on it. Now, then,
21 what was the test that was run under this Paragraph 4?
22 Tell me in as much detail as you can.

23 A. Tests were -- well, there were several
24 different -- a couple of different forms, as I've
25 stated. Some -- there was images of a lot of things

1 with metal, photograph of -- one was a photograph of a
2 car on a wet cobblestone street that -- some stochastic
3 test patterns, some dots-per-inch scales. And on the
4 test, Rolex watch, and all of those things were -- and
5 all the way -- some scale of type from very large font
6 down to, at one point, the tiniest, hard to see with the
7 eye type to see how well the chambered doctor blade
8 system and the plates would work in conjunction with the
9 metal dispersion coatings, the golds, the silvers, and
10 so forth.

11 Q. What specifically was done to obtain these
12 materials that you've described?

13 A. To obtain --

14 Q. Products, you can call them, whatever. What
15 was done in the way of process or equipment in order to
16 obtain them?

17 A. Oh, well, we have paper on hand at our
18 facility.

19 Q. Right.

20 A. We have inks on hand. Wolstenholme provided
21 the metallics.

22 Q. Gold, silver, both, what?

23 A. Gold and silver.

24 Q. And water based, or were they oil based?

25 A. I couldn't tell you that.

1 Q. Okay.

2 A. I don't know that. You asked about now. And
3 we had plates made -- flexographic plates made on the
4 BASF round exposing unit. We ran the test. Took the
5 better part -- all of two days, maybe three -- two. We
6 ran one pass. We put down in -- through the anilox
7 roller, we put down the gold.

8 Q. How many stations did you have? Let me break
9 in so I get this in mind as you're explaining.

10 A. How many stations?

11 Q. Yes, printing stations.

12 A. There were five, I believe.

13 Q. Okay.

14 A. Plus a coating unit.

15 Q. And where did you position the plates,
16 flexographic plates?

17 A. On the coating unit.

18 Q. That was at the back of the press unit?

19 A. Right.

20 Q. Okay. And then what happened?

21 A. We ran blank through the press and printed only
22 with the coating unit with the flexo plate. Printed
23 either the gold or the silver and by -- and then let
24 that dry and came back through with the process colors
25 of black, blue, red, and yellow. So we were simulating,

1 putting down the metallics first in the process after
2 that.

3 Q. Was it your belief that's the first time that
4 had ever been done?

5 A. That --

6 Q. What you just described?

7 A. -- particular test?

8 Q. Yes. Maybe not with five units. It might be
9 with more or less, but the idea?

10 A. The idea of doing -- of -- yes, putting the
11 dispersion -- the metallics through the anilox system
12 is the first time I know of it. But the process of
13 printing with the four process colors and gold and
14 silver had been done before --

15 Q. Uh-huh.

16 A. -- through the printing units. So to answer
17 your question, but, to my knowledge, this is the first
18 time that we were able to simulate for the Williamsons.

19 Q. Was that because of the doctor system you were
20 talking to me about?

21 MR. PINKERTON: Objection to form.

22 A. It's a combination.

23 MR. PINKERTON: Hold on.

24 A. It's a combination of --

25 Q. (By Mr. Harris) Well, isn't that the only

1 thing that you distinguish from the past?

2 MR. PINKERTON: Objection to form.

3 A. No.

4 Q. (By Mr. Harris) Help me and do it then.

5 A. I was fixing --

6 Q. Go into more detail.

7 A. -- to before you interrupted me.

8 Q. I'm sorry. I didn't mean to interrupt you.

9 Now please do it.

10 A. Okay. There was what was involved the round
11 exposing unit. It involved the new flexographic plate,
12 which was new technology. And it involved the anilox
13 system.

14 Q. Well, was the -- if I may talk about an
15 addition, that would be the anilox system to what
16 had been perhaps done before?

17 MR. PINKERTON: Objection.

18 Q. (By Mr. Harris) Did I not understand you to
19 say that in the past, well, the colors had been run and
20 the flexographic step had been taken in two passes?

21 MR. PINKERTON: Objection as to form.
22 And I think that that mischaracterizes his previous
23 testimony.

24 MR. HARRIS: Well, it may have been
25 backwards.

1 A. I'm not sure what you're -- what your question
2 is.

3 Q. (By Mr. Harris) What had you said had been
4 done before? Let's start all over again on this one.

5 A. What had been done before was printing gold and
6 silver or gold or silver in line with process colors,
7 which are black, blue, red, and yellow. That had been
8 done with conventional plates. And in terms of -- and
9 then you made the assertion that the anilox roller
10 system was the only thing tested at this time.

11 Q. Not tested, added. Distinguishing --

12 A. Yes, and I disagree with that.

13 Q. Okay. Well, what was different, then, besides
14 the anilox system was used?

15 MR. PINKERTON: Object to the form of the
16 question. And I also object to -- I don't know the full
17 extent of your question, Bill, but from a patentable
18 distinction, I certainly think this witness is not
19 qualified. And I don't think you're asking the --

20 MR. HARRIS: I'm not asking a patent
21 question.

22 MR. PINKERTON: Okay.

23 A. What I see to be distinguishable is the anilox
24 roller system chambered doctor blade, the round exposure
25 unit, and the plate material itself. This plate --

1 Q. (By Mr. Harris) Uh-huh.

2 A. -- was different, was new because it had a --
3 an aluminum backing to it. Historically, flexo plates
4 do not. They're like a piece of rubber. This metal
5 added the measured stability that we were looking for,
6 that everybody was looking for for registration and
7 resolution.

8 Q. At that time, was there discussion about how
9 you might go about moving the coater apparatus up front
10 to do the -- to do the flexographic step first at that
11 time?

12 A. Yeah. I mean, that was -- at that time,
13 the idea was test the theory by two passes with --
14 always the idea you had the -- the idea had to be,
15 you can't lay opaque colors over a trans- -- over the
16 transparent. So the gold or silver being opaque has
17 to go down first.

18 Q. Okay.

19 A. So it was always the idea somehow to be able to
20 lay down those colors in the first two units.

21 Q. Well, did the group of you discuss a specific
22 way you were proposed to do that while you were at that
23 test?

24 MR. PINKERTON: Object as to form.

25 A. Not that I recall.

1 MR. HARRIS: I'd like to take a break
2 again.

3 MR. PINKERTON: Okay. Good timing.

4 (Recess taken)

5 Q. (By Mr. Harris) The attached documents to your
6 declaration were gathered by someone. Did you gather
7 them?

8 A. Yes.

9 Q. How did you go about it?

10 A. Went to my files.

11 Q. What tests did you use to decide what was a
12 helpful document or one you wanted and what wasn't?

13 A. I brought what I thought pertained to anything
14 to do with the anilox roller system or WIMS or the print
15 testing that we did.

16 Q. Let me direct your attention to Paragraph 5 of
17 your declaration.

18 A. Uh-huh.

19 Q. In Paragraph 5, starting on the bottom of the
20 page, Finally some test-type patterns, getting ready to
21 turn, all configured on one approximate 25 inch by 38
22 inch sheet to be run through the press, first with one
23 or more flexography runs using an anilox roller and the
24 flexographic plates made from the BASF equipment
25 previously mentioned, and followed up by an offset

1 lithography.

2 My question to you is simple. Why did you
3 not do that in one pass?

4 A. Because as is stated here, the anilox roller in
5 that system was on the coating unit at the end of the
6 press.

7 Q. For what reason? You'd agree with me that it
8 could have been put somewhere else?

9 A. No.

10 Q. It couldn't have been, could it?

11 A. No, not that I know of.

12 Q. Was there not equipment available by which you
13 could do it with one pass?

14 A. Not from Heidelberg.

15 Q. What?

16 A. Not from Heidelberg.

17 Q. Was there anywhere that you're aware of?

18 A. Not that I'm aware of.

19 Q. Do you want to give me some hearsay that
20 somebody else is aware of?

21 A. I know that there are several companies that
22 have been involved in aftermarket coating units. I'm
23 not an expert on those, but among them are Doggren,
24 Epic, Rykaline, I believe is a name, and Printing
25 Research.

1 Q. In that same paragraph, and backing up, oh,
2 again to Page 3 at the first you say, The day-long tests
3 on January 20, 1995 involved comparisons of the results
4 of the new WIMS improved process over the old process.

5 A. Yes.

6 Q. Explain the new process to me.

7 A. The new process was putting the metallics down
8 with a chambered doctor blade anilox system being able
9 to use a larger grain --

10 Q. Uh-huh.

11 A. -- and getting more material on the sheet.

12 Q. Was the new WIMS process then run, as you say
13 in Germany at that time?

14 A. It was simulated.

15 Q. What do you mean "it was stimulated"? It was
16 running or it wasn't? What do you mean "simulated"?

17 A. Okay. It was running.

18 MR. PINKERTON: Object to the form of that
19 question.

20 Q. (By Mr. Harris) You say it was run. Is that
21 what the WIMS project was, what was done in Germany?

22 MR. PINKERTON: Objection as to form,
23 vague, ambiguous, confusing as to what process you're
24 talking about. What was run when?

25 MR. HARRIS: John, you're the only one

1 confused.

2 MR. PINKERTON: Maybe.

3 A. No, that wouldn't be true.

4 MR. PINKERTON: He's already explained --
5 he's already answered that question.

6 MR. HARRIS: Why don't you let him think
7 about it.

8 MR. PINKERTON: Okay.

9 Q. (By Mr. Harris) I'm just trying to find out if
10 what was run was the new WIMS process. It says so
11 here. Was it?

12 A. I haven't -- I have not seen the patent for the
13 process.

14 Q. Okay.

15 A. So I can't comment as to the ins and outs of
16 that entire process.

17 Q. With my heart, let me represent to you that
18 the name of the patent isn't the new WIMS process.

19 A. That doesn't tell me anything.

20 Q. Well, it tells you the patent probably wouldn't
21 tell you anything. If you want to see it, we'll be
22 happy to let you have it.

23 A. What I can tell you is what is in my statement
24 here.

25 Q. Yeah.

1 A. There were sheets brought that were run with
2 the metallics -- with the original WIMS process with
3 metallic inks run in-line inks. And I don't know when
4 they were run. I don't know where they were run or
5 anything else. And what we did was simulate by printing
6 first the gold and/or silver first and then putting the
7 process colors over that. That is a simulation of
8 in-line printing of the coating -- the gold or silver
9 end process colors.

10 Q. Now, I ask, again, why that wasn't done. With
11 all those people there and all the investment made, why
12 was that not done, if the process existed?

13 MR. PINKERTON: Object to form. Object as
14 vague and indefinite. Also object as previously
15 answered, to the extent I understand the question.

16 A. I believe I just answered that.

17 Q. (By Mr. Harris) I'll have to confess I didn't
18 understand your answer as being one to that question,
19 and I may have misunderstood. The law doesn't prohibit
20 asking a question twice. And I don't think -- I think
21 I'm on four or five times. So please, even if it's
22 twice, answer the question.

23 A. Ask it again.

24 Q. Okay.

25 MR. HARRIS: Would you read it back.

1 (Requested text read)

2 A. And my answer to that question is we just had a
3 discussion answering that question. The process was
4 simulated.

5 Q. (By Mr. Harris) What do you mean by
6 "simulated"? And what process was simulated?

7 MR. PINKERTON: Object, again, as having
8 been asked and answered.

9 MR. HARRIS: That's two. I'll do one at a
10 time.

11 Q. (By Mr. Harris) What do you mean by
12 simulated?

13 MR. PINKERTON: Bill, he's already
14 answered that now a couple of times. I don't mean to
15 be obstreperous, but he's testified about that.

16 MR. HARRIS: Well, I'm sure he's trying to
17 testify about it and maybe very well, but I'm asking.

18 A. We simulated the -- I'm going to call it the
19 new WIMS process. Does anybody object to that?

20 Q. (By Mr. Harris) If you want to call it that,
21 I'll ask you what you think it is in a minute. And
22 subject to that, it's perfectly fine to call it that.

23 A. In my statement, I called it the new WIMS
24 improved process --

25 Q. You did.

1 A. -- over the old process.

2 Q. Yes.

3 A. We simulated and tested that new process by
4 putting down metallics first. By running the sheet
5 through the press, not printing on it until it was
6 printed on with the metallics. So the sheet came out
7 of the end of the press and all it had on it was gold
8 and -- gold or silver. That sheet dried. And then we
9 put it back in the front of the press, ran it back
10 through, and put it on black, blue, red, and yellow.
11 That is a simulation of running and putting down the
12 gold first and then process colors throughout the
13 press.

14 Q. Is that what you called it over there,
15 simulation?

16 A. I don't recall.

17 Q. Is that your terminology?

18 A. It was a test. I would use the word test.

19 Q. Is simulated your terminology or Mr. Falk's?

20 A. That's my terminology, my assessment, my
21 terminology.

22 Q. You adopted that terminology?

23 A. Yes.

24 Q. I'd indicated -- I think I understand that.

25 And I indicated a moment ago I would be asking you what

1 you mean by the new WIMS process. We have handled the
2 simulated part. Okay?

3 A. Uh-huh.

4 Q. What do you mean by the new WIMS process?

5 MR. PINKERTON: That's also been --

6 MR. HARRIS: I don't care about patents or
7 anything here.

8 MR. PINKERTON: It's also been asked and
9 answered before, but go ahead.

10 A. I'll say, again, that the original process --

11 MR. PINKERTON: Just focus on the
12 question. He's asking about the new process.

13 MR. HARRIS: That's true. The new WIMS
14 process.

15 A. The new process involved the use of the
16 chambered doctor blade system, the flexographic plates,
17 and dispersion coatings versus or flexographic -- I'm --
18 the term that I recall was dispersion coatings that had
19 metallics -- particles in it. And that's how I would
20 describe it.

21 Q. (By Mr. Harris) That's what?

22 A. I would describe it that way. And that those
23 metallics were to be printed first.

24 Q. By what means?

25 A. Chambered doctor blade with a flexographic

1 plate.

2 Q. Was -- were you informed of or did you think of
3 a way back in August of -- back in August of '95 or at
4 any other time to accomplish that purpose of doing it
5 first -- '94. Yeah, August of '94. I'm going to start
6 over.

7 In August of '94 or anytime before or
8 after, did you think of a way to practice the process we
9 just described -- you just described? Did you think of
10 a way to practice it?

11 A. Would you accept simulated?

12 Q. Well, simulated, if that's all you know.

13 A. Then --

14 Q. I can't accept something you hadn't got.

15 A. Then my answer would be it was not my original
16 thought. It did not originate with me, but the thought
17 existed of simulating this process.

18 Q. Well, let's go back to the fact that it didn't
19 originate with you. I believe it probably originated as
20 far as you're concerned and from your affidavit with
21 Mr. or Dr. Davis --

22 MR. PINKERTON: Just Bill Davis.

23 MR. HARRIS: I'm going to find out. Is it
24 Dr. Davis? No.

25 MR. PINKERTON: No.

1 MR. DAVIS: No, sir.

2 MR. PINKERTON: Just Bill Davis.

3 MR. HARRIS: All right.

4 MR. PINKERTON: And Jesse Williamson.

5 MR. HARRIS: All right. Let it be that
6 way.

7 Q. (By Mr. Harris) From Mr. Davis or Jesse
8 Williamson, what did you find out from them that they
9 had in mind as a way to practice this method?

10 MR. PINKERTON: Again, we're talking about
11 that time frame -- you want to put that time frame?

12 MR. HARRIS: Yeah. The time frame I
13 have in mind is -- I suppose the first time that -- in
14 1964 --

15 MR. PINKERTON: '94.

16 MR. HARRIS: -- 1994.

17 MR. PINKERTON: August '94 that we
18 previously talked about?

19 MR. HARRIS: I don't want to limit it to
20 August of '94.

21 A. I was still a swimmer in '64.

22 Q. (By Mr. Harris) Well, in '94 or '95, whenever
23 Mr. Davis and Mr. Williamson were talking with you about
24 the process. What I would like to know is, did they
25 tell you how to practice it?

1 MR. PINKERTON: I think it's --

2 MR. HARRIS: Wait a minute.

3 MR. PINKERTON: Well, I --

4 MR. HARRIS: Now, please don't coach this
5 witness.

6 MR. PINKERTON: I'm not going to coach
7 him, but it's a subject -- I want -- you know, I won't
8 mention it.

9 A. Are you asking if Bill and Jesse gave direction
10 for -- during this test?

11 Q. (By Mr. Harris) No. Bill and Jesse, you told
12 me, were at the test. I'm going back to an earlier
13 date. As early as, I believe, you said around August
14 1994 when Mr. Williamson and Mr. Davis explained to you
15 the existing WIMS process and indicated several methods
16 that they might use for the practice of a new process.
17 And I'm asking you if they told you how they would
18 practice the method.

19 A. The test originated with Jesse and Bill, and,
20 yes, they told us why we were going to Germany to test.

21 MR. HARRIS: There's something -- do you
22 want to tell me what you've got on your mind?

23 MR. PINKERTON: No, but he's not
24 communicating with you.

25 MR. HARRIS: I'm trying to get back to

1 August.

2 MR. PINKERTON: He's thinking you're still
3 focusing on the test back in '95 and you're back in
4 August of '94.

5 Q. (By Mr. Harris) I'm in August of '94, whenever
6 it was that the discussion took place.

7 MR. PINKERTON: Right.

8 MR. HARRIS: That's when it is I'm to.

9 Q. (By Mr. Harris) It's really in your
10 Paragraph 2.

11 A. Okay. I'm in the right time frame now. I'm in
12 spring and summer of '94. And you're asking --

13 Q. Just showing up at work?

14 A. And you're asking if Jesse and Bill told me --

15 Q. How to practice the new process that they were
16 describing to you.

17 MR. PINKERTON: And he's not asking about
18 the test. He's saying --

19 Q. (By Mr. Harris) How to practice the process.

20 MR. PINKERTON: Object to the form of that
21 question with regard to practice the process. I'm not
22 sure he understands that, but --

23 A. There was -- there was discussions about how --
24 ideas they had of how to do -- how to accomplish the
25 process.

1 Q. (By Mr. Harris) And what were those ideas and
2 discussions?

3 A. Well, as I -- it was as my declaration says --

4 Q. Please don't read from the declaration. Tell
5 me.

6 A. It says that --

7 Q. Please don't read from the declaration. Tell
8 me.

9 A. -- Jesse Williamson and Bill Davis.

10 MR. HARRIS: Let the record reflect that
11 the witness is reading from his declaration and not able
12 to tell me.

13 MR. PINKERTON: Well, he's answering your
14 question, Bill. You directed him to Paragraph 2.

15 MR. HARRIS: Well, he can read it to
16 himself and then he can look up and tell me.

17 MR. PINKERTON: Okay.

18 Q. (By Mr. Harris) Can you do it that way?

19 A. Are we in a different country?

20 Q. No.

21 A. I suppose I have the freedom to read this if
22 I'd like to.

23 Q. Yeah, read it. But I don't think you have the
24 freedom to read it out in response to a question --

25 A. I don't think you have the right --

1 Q. -- I'm asking you to summarize.

2 A. And I don't think you have the right to insist
3 that I don't read from it.

4 Q. I'm doing my best to insist it.

5 A. I understand that, Mr. Harris.

6 Q. And the record will show that you can't answer
7 it without reading it.

8 MR. PINKERTON: The record won't show
9 that. It will show that he's choosing to focus on
10 Paragraph 2, what he said in the declaration. You had
11 referred to Paragraph 2.

12 MR. HARRIS: I did.

13 Q. (By Mr. Harris) I bet you've got it now,
14 haven't you?

15 A. Would you like me to continue?

16 Q. Continue what?

17 MR. PINKERTON: To answer the question.

18 A. To answer the question.

19 Q. (By Mr. Harris) Sure.

20 A. Okay.

21 Q. I'd rather you not read it, though.

22 A. Jesse Williamson and Bill Davis explained to me
23 that they intended --

24 Q. You're reading it, and I want the record to
25 show that.

1 A. -- to improve the existing WIMS process by
2 having flexography performed prior to the offset
3 lithography all in an one-line operation, all in one
4 pass. They indicated several methods that this could be
5 done, in one manner with a dedicated flexography
6 station, and another by an auxiliary add-on unit. And
7 Printing Research was identified, mentioned as a
8 potential partner for that.

9 Q. To do what?

10 A. To accomplish this process of putting down a
11 flexographic metallic first.

12 Q. Okay. I think I'm with you. And in doing
13 that, is there any specific reference that you recall
14 that they made just how Printing Research would do it
15 and then detail it off? That's all I need to know.

16 A. There was, yes.

17 Q. Huh?

18 A. Yes. You asked me a yes or no question. My
19 answer is yes.

20 Q. Yes what?

21 A. Yes to your question.

22 MR. HARRIS: Would you read back my
23 question.

24 Let the record show that the witness is
25 getting testy.

1 A. And duly noted for Mr. Harris.

2 MR. PINKERTON: I object to that
3 characterization of the witness. He's just answering
4 questions over here. And it's getting late.

5 MR. HARRIS: You mean reading answers.

6 MR. PINKERTON: No. He's answering
7 questions. It's getting late in the day. And he's
8 answered your question.

9 THE WITNESS: Do I have --

10 MR. PINKERTON: He answered your question,
11 then you didn't remember what the question was you asked
12 him. Now, that's not his problem, Bill.

13 MR. HARRIS: Well, that may be true. If
14 you read it back, maybe we can square it away.

15 (Requested text read)

16 THE WITNESS: Now can we go off the record
17 for a moment?

18 Q. (By Mr. Harris) Now, you're welcome to read it
19 and whether you read it or you don't read it, can you
20 tell me how specific a reference there is about how they
21 might do it?

22 MR. PINKERTON: Prior to you asking a
23 question, Bill, he asked if we can go off the record.

24 Would you still like to do that,
25 Mr. Brown?

1 THE WITNESS: Yes, I would.

2 MR. PINKERTON: Okay. Let's go off the
3 record for a second.

4 (Off-the-record discussion)

5 Q. (By Mr. Harris) Again, whether you read or
6 don't read or whatever you do, tell me, to the best of
7 your ability, how specific you can remember that these
8 gentlemen, Mr. Williamson and Mr. Davis, were in
9 describing the means they would use to practice the
10 process, particularly to the extent that Printing
11 Research might be involved. That's kind of a new
12 question.

13 MR. PINKERTON: That's a pretty long
14 question. I'm going to object to form. It's pretty
15 involved. Let the witness answer.

16 MR. HARRIS: Do you want it read back?

17 A. No. I believe I understand the question.
18 There were -- in the conversations I had, there were --
19 there was equipment being developed confidentially,
20 which was not disclosed -- was held from me, wasn't
21 shared with me, other than the statement that they
22 were developing something. And we talked about the
23 fact that several companies have a rack back system,
24 an aftermarket coating system. And that adapting that
25 and being able to move it upstream was the goal. That

1 would -- that would complete the process that we had
2 simulated and attested in Germany.

3 Q. (By Mr. Harris) Is it true they also
4 considered a dedicated flexography station?

5 A. Yes.

6 Q. And that they also indicated auxiliary add-on
7 in general, as well as getting a little more specific by
8 talking about some kinds of very generalized equipment?

9 A. Yes.

10 Q. I would like to -- oh, one other thing. About
11 the drying equipment, do I recall you saying that in
12 Germany, the drying equipment wasn't adequate at the
13 time you conducted the January test?

14 A. I don't recall saying that at all.

15 Q. Was it? Maybe I asked you why it couldn't be
16 run in somewhat of a different way and you said
17 something about the drying equipment. And if I'm
18 mistaken, I'll accept that. But wasn't something said
19 about the drying equipment? Whenever we read the
20 record, won't we find that?

21 A. I don't think you'll find anything about the
22 drying equipment. What you'll find is that I said the
23 sheet was run with either gold or silver being put down
24 only and being put down through the coating unit
25 chambered doctor plate with a flexo plate and that that

1 sheet, once dried, was put back through the press.

2 Q. Once dried. Did -- what did you have as -- to
3 dry it with? I suppose you just dried it outside of the
4 printing units, right? Was it just dried outside of the
5 printing units?

6 A. There are dryers, hot air and infrared dryers,
7 at the very end of the press --

8 Q. I see.

9 A. -- that accelerate oxidation, drying.

10 Q. So that's where the drying was done?

11 A. The majority.

12 Q. Did you -- in the discussions that were held
13 on or about August, per your memory, with Mr. Williamson
14 and Mr. Davis, did they touch on drying equipment in a
15 way that you could be of assistance to them or
16 contribute?

17 MR. PINKERTON: I'm going to object.

18 Q. (By Mr. Harris) Do you want me to rephrase it
19 real simple? Real simple is, did you in that discussion
20 contribute in some way to the consideration of drying
21 equipment?

22 A. No.

23 Q. Did they discuss drying equipment?

24 A. Yes.

25 Q. What did they say about it?

1 sheet, once dried, was put back through the press.

2 Q. Once dried. Did -- what did you have as -- to
3 dry it with? I suppose you just dried it outside of the
4 printing units, right? Was it just dried outside of the
5 printing units?

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7 at the very end of the press --

8 Q. I see.

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13 on or about August, per your memory, with Mr. Williamson
14 and Mr. Davis, did they touch on drying equipment in a
15 way that you could be of assistance to them or
16 contribute?

17 MR. PINKERTON: I'm going to object.

18 Q. (By Mr. Harris) Do you want me to rephrase it
19 real simple? Real simple is, did you in that discussion
20 contribute in some way to the consideration of drying
21 equipment?

22 A. No.

23 Q. Did they discuss drying equipment?

24 A. Yes.

25 Q. What did they say about it?

1 A. That they were choosing Printing Research's
2 drying equipment and that they were going to be testing
3 an inner deck high velocity air drying system for
4 Printing Research.

5 MR. HARRIS: I think we're within 15
6 minutes of through if you'll give me 10 minutes to talk
7 with my cohorts, well, I'll then add the 15 on and that
8 will be 25 and we'll still be short of your 5:15.

9 MR. PINKERTON: Okay.

10 (Recess taken)

11 Q. (By Mr. Harris) Let us tread on uneasy
12 waters.

13 MR. PINKERTON: Okay.

14 Q. (By Mr. Harris) Let us go to the famous
15 Paragraph 2.

16 MR. PINKERTON: We've been there before.

17 MR. HARRIS: That's what made them so
18 uneasy.

19 MR. PINKERTON: If we've been there, why
20 would we want to go back?

21 MR. HARRIS: We're going to quieten them
22 down.

23 MR. PINKERTON: We'll see.

24 Q. (By Mr. Harris) It's a pretty simple question
25 this time, I believe. In responding to my questions

1 about this Paragraph 2, you had said that -- let's put
2 it this way. They were developing some things, talking
3 about some things that I think you meant -- let me
4 editorialize -- some things you meant that you weren't
5 entirely told perhaps or that you felt you weren't. And
6 so you said they, and I put that in quotes, were
7 developing some things.

8 My question is simply, by "they," did you
9 mean Mr. Davis and Mr. Williamson, or did you mean
10 somebody or something else?

11 A. Are you talking about what I have previously
12 testified to --

13 Q. Yes.

14 A. -- or what's written here?

15 Q. No. I'm talking about what you've testified
16 to.

17 A. Yes. I would have been referring to -- in that
18 context referring to Bill Davis and Jesse Williamson.

19 Q. All right. And the other thing, as indicated
20 to you previously, we do want to develop the contacts
21 between you and attorneys or whoever and I would like to
22 do that now. And I'll be straightforward and quick. I
23 would advise you, of course, there is nothing wrong with
24 you talking to these attorneys, but on the other hand,
25 as you were told earlier, there is no privilege, you

1 know, about what is said.

2 Have you had discussions with the
3 attorneys today about any aspect of the deposition or
4 litigation?

5 A. No discussion other than, you're doing fine.

6 Q. Did you have anything for them? Was it, how am
7 I doing?

8 A. Early in my -- early in this deposition, I had
9 the concern of not having legal counsel here for myself.

10 Q. I recall that.

11 A. So that's the extent.

12 Q. You say the extent of it was, you're doing
13 fine?

14 A. Right.

15 Q. Did you ask, how am I doing?

16 A. How are things going.

17 Q. Have you talked to either -- well, I think
18 we've established you haven't talked to John Pinkerton
19 before today; isn't that true?

20 A. That's true.

21 Q. And as to Mr. Falk, have you talked to him
22 about preparations for this deposition or anything in
23 connection with this deposition?

24 A. No.

25 Q. Did he go back over the affidavit with you, or

1 did you go over it with him, either?

2 A. Neither. He -- I have not spoken or seen
3 Mr. Falk since this was signed.

4 MR. HARRIS: Pass.

5 MR. PINKERTON: We'll reserve our
6 questions. Thank you, Mr. Brown.

7 MR. PINKERTON: Let's see. Martin,
8 do you have our that copy?

9 MS. SWEENEY: Steve does.

10 MR. HARRIS: There's some dates on there.

11 MR. WILSON: Some dates on where?

12 MR. PINKERTON: On that original. Could
13 we have that.

14 MR. WILSON: Well, I wanted to keep it for
15 me. You guys have one at the office, right?

16 MR. PINKERTON: There's some dates on
17 some of these documents that I'd like to put on the
18 record that don't show up on the copies. If that's
19 something you want to do, we can do it. If you don't
20 want to do it, we don't have to do it at this time.
21 But this exhibit's in the record and some of these
22 dates that are in there don't show up. So I'd like to
23 do it.

24 MR. WILSON: Well, tell how they're dated
25 and where they're dated on the documents.

1 MR. PINKERTON: Just the ones you can't
2 read. Steve, I'm going to tear this up for now, if
3 that's okay.

4 MR. WILSON: As long as it's torn up in
5 the same order.

6 MR. PINKERTON: Yeah. Let's see where the
7 first one is here. Okay. This is the BASF -- Steve,
8 why don't you --

9 MR. WILSON: Let's just make sure it's all
10 the same that we're talking about.

11 MR. PINKERTON: This is Tab D,
12 September 6, 1994, 5:05 p.m.

13 MR. WILSON: He's reading a fax line. And
14 this is on the exhibit page that has a Bates mark
15 W001267. W001263, which in our deposition is Tab B to
16 Exhibit 2, the fax line date is 24 August, '91.

17 MR. PINKERTON: '94.

18 MR. WILSON: Oh, '94. Thank you. 24
19 August, '94.

20 MR. PINKERTON: Right.

21 MR. WILSON: Sorry.

22 MR. PINKERTON: And it's the same thing on
23 this document here.

24 MR. WILSON: And the page after that
25 WW001264 has the same fax line, August 24th, '94.

1 MR. PINKERTON: Right.

2 MR. WILSON: The next page, too?

3 MR. PINKERTON: That one's okay. I think
4 those are it.

5 MR. WILSON: I think all these others are
6 clear. I think the rest of the documents are legible in
7 the exhibit.

8 MR. PINKERTON: That's it. Okay.

9 (Off the record at 5:03 p.m.)

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THESE

CORRIGENDUM
for Deposition of Steve Garner
Taken August 11, 2000

PAGE	LINE	CHANGE/REASON
5	11	Correct "Mark" to "Mart"
12	14	After "configuration" insert the following: "Tower coaters had been offered with anilox configuration since the early '90s for end of press application only."
13	1	After "equipment" add: "add-on 'rack backs' with anilox rollers had been offered since the late '70s through my own personal observation."
13	19	After "was" insert: "It must have been printed by PRI and added to the brochure."
15	20	After "correct" add: "we were in the same Coast Guard reserve unit."
22	22	After "like" insert: "Williamson is known nationally as an innovative and creative leader in its methodology, for which it has received literally hundreds of awards which line its halls. I considered this type of work research and development."
27	14	After "consider" add: "There are innumerable types of simulations: (a) computer simulation of a process utilizing software that will provide results; (b) flight and combat simulators; (c) practice various steps of a process to predict the overall results. There are many others."
31	23	After "press" add: "The Rendleman coater was an adaptation of an existing 'rack back' coater fitted to PRI's 2/c Heidelberg Press."
32	19	After "in" add: "Williamson also has the reputation of being the most innovative and creative printer in the area."
37	9	After "process" add: "The RDP equipment is web fed which is different from the sheet-fed presses built by Heidelberg and others."
38	10	After "up" add: "I didn't discuss the RDP press with Mr. Falk."
41	18	Insert "it" "At the time PRI began working on the Rendleman coater in the fall of '94, the idea of applying flexo in front of litto was novel and unobvious because of the difference in the methods of application and the drying problems "

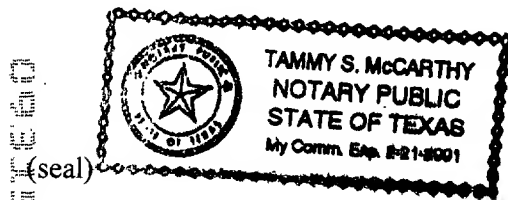
PAGE	LINE	CHANGE/REASON
42	14	After "A" add: "Outside of Williamson, in sheet-fed, the short answer is no."
43	12-13	Strike out the first sentence and insert the following: "A copy of the RDP brochure is attached as exhibit (4). This pertains to a web application only. Exact publication date is unknown but note footnote on last page is 94-08-5m."
63	21	After "I": "Upon further reflection, the second sentence of Paragraph 5 of the declaration should have said that some of the boards may have been preprinted."
78	25	After "modification": "In hindsight, design and fabrication of the short-arm device came first because of the desire to have printed samples available for DRUPA95 in May '95 and a long-arm device could not be available in this time frame."
81	2	Add after "yes": "There was no order for the short-arm device; there was an order for the long arm in Feb. '95."
87	17	After "too": "Rendleman began designing a long-arm device and switched to the short-arm design when the decision was made to install on the "L" coater unit. He returned to the long-arm design after installation of the short-arm device."
101	17	After "presence": "There was an oral order given at a meeting in Feb. '95 by Jesse for an interstation coater."
120	9	After "any": "other than the process."
121	14	After "yes" insert: "This was about the same time I recollect hearing about WIMS, and this improvement process seemed to be an extension of WIMS, which I knew was a Williamson process "
125	2	After "chemicals" insert: "They provided a process."
132	13	Change "pound" to "fountain".

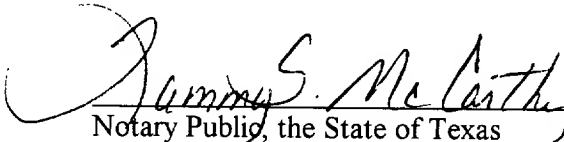
I, Steve M. Garner, have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted above.


Steve M. Garner

STATE OF TEXAS)
)
COUNTY OF DALLAS)

Subscribed and sworn to before me by the said witness, Steve M. Garner, this 21st day of September, 2000, by




Notary Public, the State of Texas

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

PRINTING RESEARCH, INC.
and HOWARD W. DEMOORE

VS

CIVIL ACTION NO.
3-99CV1154-M

WILLIAMSON PRINTING CORP.,
BILL L. DAVIS and
JESSE S. WILLIAMSON

ORAL AND VIDEOTAPED DEPOSITION

OF

STEVE GARNER

August 11, 2000

ANSWERS AND DEPOSITION OF STEVE GARNER,
produced as a witness at the instance of the Plaintiffs,
being duly sworn, was taken in the above-styled and
numbered cause on the 11th day of August, 2000, from
9:47 a.m. to 4:27 p.m., before Sharon Gayle, a Certified
Shorthand Reporter in and for the State of Texas, via
machine shorthand, at the offices of Locke Liddell &
Sapp, L.L.P., located at 2200 Ross Avenue, Suite 2200,
in the City of Dallas, County of Dallas, State of
Texas.

COPY

A P P E A R A N C E S

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Also Present: Mr. Howard DeMoore
Mr. Dave Douglas
Mr. Ron Rendleman
Mr. Bill Davis
Mr. Cody Clinton, Videographer

I N D E X

WITNESS: STEVE GARNER

PAGE

Examination by Mr. William D. Harris 5

E X H I B I T S

NUMBER

DESCRIPTION

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2	Brochure - Take a Ride with WIMS	14
3	Declaration of Steve M. Garner	17

P R O C E E D I N G S

THE VIDEOGRAPHER: We are on the video record at 9:47 a.m. This is the videotaped deposition of Steve Garner taken in the matter of Printing Research, Incorporated, and Howard DeMoore versus Williamson Printing Corporation, Bill C. (sic) Davis, and Jesse S. Williamson, Cause Number 3-99CU1154-M (sic), being heard in the United States District Court, Northern District, Texas, of Dallas Division, at 2200 Ross Avenue, Dallas, Texas, at the time and date indicated on the video record.

Would the attorneys present please state their appearances.

MR. HARRIS: Okay. For Printing Research, Incorporated, and for Howard DeMoore, I'm Bill Harris. And I will be questioning the witness today, who we have noticed and subpoenaed.

MR. PINKERTON: I'm John Pinkerton representing the Defendants.

MR. FALK: I'm Bob Falk of Falk & Fish, also representing the Defendants.

MR. SWEENEY: Marty Sweeney representing the Plaintiffs.

MR. WILSON: Stephen Wilson also with the Plaintiffs.

1 MR. HARRIS: That is all.

2 THE COURT REPORTER: Okay.

3 THE VIDEOGRAPHER: Would the reporter
4 please swear in the witness.

5 STEVE GARNER,
6 having been first duly sworn, testified as follows:

7 EXAMINATION

8 BY MR. HARRIS:

9 Q. For the record, sir, would you please state
10 your full name and your address.

11 A. My name is Steve Mark Garner. I reside at
12 209 Mill Creek Drive in Arlington, Texas.

13 Q. And how are you employed at this time?

14 A. I'm the product manager for a company, Harris &
15 Bruno, which is a manufacturer of graphic arts
16 equipment.

17 Q. Of what kind?

18 A. Graphic arts equipment.

19 Q. Particularly what?

20 A. Closed chamber doctor blade systems for --
21 mainly for the flexo industry, some -- some for offset.

22 Q. I next would like to show you a document that
23 we will mark as Garner 1, which is a subpoena with the
24 attachments -- a subpoena by your name. I think you can
25 verify that's what it is for me.

1 A. If it's the same document that I was delivered
2 this week, then, yes, I verify that that's indeed what
3 that is.

4 Q. She's going to put a sticker on there,
5 Mr. Garner, and then it will be official. Take a very
6 quick second, and to your satisfaction, see if that
7 isn't the same document.

8 (Exhibit 1 marked)

9 A. Yes, indeed, it seems to be the same document.

10 Q. (By Mr. Harris) And the document has, as a
11 part, a portion entitled Plaintiffs Amended Notice of
12 Oral Deposition of Steve -- Steven -- I'm sorry --
13 Steve M. Garner, true?

14 A. Yes, that's true.

15 Q. And it's a document of a couple of pages. And
16 at the bottom of Page 1 there are some numerals starting
17 off Numeral 1 in parentheses and running to the next
18 page and through Numeral 3?

19 A. Correct.

20 Q. My question of you is: Have you brought all of
21 the documents that respond to those Categories 1, 2,
22 and 3?

23 A. Yes, sir. The only document that I have -- and
24 it's actually not a document -- in my possession was a
25 brochure that the Williamson Company had that was

1 describing the WIMS process. I came across that. All
2 other documentation that I'm aware of is at Printing
3 Research, which I have researched and collected while I
4 was there. So I don't have anything other than I found
5 this brochure.

6 Q. Might I look at the brochure you brought?

7 A. Certainly.

8 Q. The brochure has a number of sheets enclosed in
9 it, does it not?

10 A. Yes, sir. That's correct.

11 Q. And there are various printing samples?

12 A. Yes, sir.

13 Q. Are -- can you tell me if any of these items
14 were printed using flexographic printing?

15 A. Yes, sir, they were. There are some --

16 Q. Which ones?

17 A. There are some processes on some of these that
18 were done by the flexographic process.

19 Q. Would you show me?

20 A. To the best of my knowledge -- I didn't
21 actually print these, but I will -- the gold on the
22 Rolex, metallic flex gold; the gold on this place
23 setting; the gold on this -- on this item. Silver, I'm
24 not sure. I'm not so sure. The gold, I am. The silver
25 I couldn't, you know -- I couldn't tell you whether that

1 was done flexographically; but the gold, to the best of
2 my knowledge, was done flexographically.

3 Q. And was the lithography also involved?

4 A. Yes, sir.

5 Q. And can you tell me whether the items you've
6 identified were made in one or two passes?

7 A. They were done in two passes.

8 Q. Do you know where they were done?

9 A. To the best of my knowledge, they were done at
10 Williamson Printing.

11 Q. Can you tell me when they were done?

12 A. Again, to the best of my knowledge, they would
13 have been done prior to DRUPA of '95 because these were
14 handed out probably in March or April. But I don't -- I
15 wasn't there when they were -- when they were printed,
16 but I was aware that they were being printed. We had
17 intimate contact with Williamson during that time.

18 Q. On what --

19 A. I say "we" as Printing Research.

20 Q. Uh-huh. On what is it that you base the,
21 quote, "best of your knowledge"?

22 A. I didn't run the press, and I didn't -- I'm not
23 a pressman, so I -- to the best of my knowledge, that's
24 where they were printed. That's all I -- that's all I'm
25 saying. They weren't printed, to the best of my

1 knowledge, at Printing Research.

2 Q. I don't believe I asked that, but that's okay.

3 A. That's --

4 Q. Did you tell me when? Just before DRUPA? Was
5 that --

6 A. Yes. It would have been -- DRUPA was in early
7 May of '95, and they were done prior to that -- probably
8 shortly prior to that.

9 Q. Do you think you were present when it was done?

10 A. I don't recall being present when those were
11 done. I was aware that they were being done, but I
12 don't recall being present.

13 Q. How and when did you achieve that awareness?

14 A. I'm sorry? Awareness?

15 Q. How and when did you achieve that awareness?

16 A. We were -- and "we, " as being Printing
17 Research at that point, were going to have some of these
18 brochures provided to us for the -- for distribution
19 from our booth. In fact, that, on here, alludes to
20 something to that effect. So it was --

21 Q. Let me -- would you point out to me
22 specifically what you're talking about.

23 A. There's a sticker on here that indicates what
24 the process --

25 Q. Uh-huh.

1 A. And it indicates that Printing Research was
2 involved with that..

3 Q. Well, as a matter of fact, it indicates, does
4 it not, that if additional information is wanted, one
5 should call Printing Research --

6 A. Yes, sir. I --

7 Q. -- giving a telephone number?

8 A. -- believe that's what the sticker says.

9 Q. Are you sure that Printing Research didn't run
10 these materials over at Williamson?

11 A. That Printing Research didn't run them at --

12 Q. Yes.

13 A. I'm not sure I understand that.

14 Q. Well, run the press or operate the equipment
15 over at Williamson when these were printed.

16 A. Printing Research had -- I would assume, again,
17 that Printing Research may have had some people there.
18 I wasn't there. We had a piece of equipment on the
19 machine to produce the gold, and it's possible that
20 Printing Research had some staff there.

21 Q. Was that piece of equipment at that time an
22 end-of-the-printing-line mounted piece of equipment?

23 A. Yes, sir. Actually, it was mounted on one of
24 the coater units --

25 Q. Right.

1 (Mr. Sweeney left deposition proceedings)

2 A. -- at the end of the press.

3 Q. (By Mr. Harris) The coater units are at the
4 end of the line, true?

5 A. Yes, sir.

6 Q. Is that what Heidelberg calls LYL?

7 A. No. L means coater. LYL just designates a --
8 that it's a double coater. This particular press was
9 not an LYL.

10 Q. I see. Well, while we're at it, what does Y
11 mean then?

12 A. It's some German word that designates the
13 drying section between the two coaters, and I couldn't
14 tell you what the translation of that is.

15 Q. So this was mounted on a coating station; is
16 that true?

17 A. Yes, that's true.

18 Q. And the coating station was at the end of the
19 press?

20 A. Correct.

21 Q. Now, how do you know that? You said you
22 weren't there.

23 A. This is a configuration that's very common on
24 printing presses, which I'd been around for several
25 decades and was quite familiar with that type of

1 machine.

2 Q. Have they commonly had one of these units like
3 you said Printing Research had supplied at the --
4 mounted at the end of the coater, the ones that you had
5 known about so long?

6 MR. PINKERTON: Objection to form, and
7 objection to leading.

8 Q. (By Mr. Harris) Do you want me to try again?

9 MR. PINKERTON: You can go ahead and
10 answer the question.

11 A. I'm not sure I understand exactly what you're
12 saying there. It's very common for a coater to be
13 located at the end of a press. And it's very common for
14 them to be anilox, having an anilox configuration.

15 Q. (By Mr. Harris) Was it common for them to have
16 a unit like PRI apparently had supplied?

17 A. No, that was not common.

18 Q. What was different about it?

19 A. The PRI was -- excuse me. I may have to get
20 some water here in a minute.

21 MR. WILSON: I'll get you some.

22 A. -- was an add-on. It was not part of the
23 original equipment. And so it was not designed as, you
24 know, into the press. It was added to the press
25 afterwards as opposed to being fitted at the factory as

1 part of the original equipment.

2 Q. (By Mr. Harris) Did that make for more
3 flexibility?

4 MR. PINKERTON: Objection as to form.

5 A. I would say that it would add some flexibility
6 to it. Yes, sir. Yes, sir. It would add some
7 flexibility, in my opinion, to the process.

8 MR. HARRIS: Let's take about a minute and
9 give you a chance to get some of that water.

10 THE WITNESS: (Witness complies.)

11 MR. HARRIS: You're happy now?

12 THE WITNESS: Yeah.

13 Q. (By Mr. Harris) Referring to the sticker
14 appearing on the inside of the brochure or jacket
15 carrying various pictures or prints, do you know the
16 origin of it?

17 A. No, sir, I don't. I honestly don't know where
18 that came from. I mean, I opened the brochure and there
19 it was.

20 Q. Where did you get the brochure?

21 A. I got the brochure, I'm sure, at DRUPA. And
22 the first time I had come across it was this week when I
23 was going through some old files, and I came across the
24 brochure.

25 Q. Of course the item is a document that, as far

1 as I'm concerned, is your document. So I need to make
2 arrangements with you so we can somehow copy it or take
3 temporary custody of it or just take it, if you don't
4 care. Whatever you say.

5 A. I seem to recollect I may have put one of these
6 in the packet of information that I had sent over to you
7 a couple of years ago, along with some other things. I
8 may be incorrect, but certainly you can -- you can do
9 with it what you wish.

10 Q. You're not married to it, then?

11 A. I didn't really even realize I had it until
12 this week, so I really haven't missed it.

13 MR. HARRIS: Okay. I'd like to mark this
14 item as Exhibit 2. And I'd like for you to count and
15 take note of how many sheets it has that's carried
16 inside of the packet.

17 (Exhibit 2 marked)

18 THE COURT REPORTER: Okay. I'm counting
19 six. Am I counting this (indicating) as one?

20 MR. HARRIS: Would you make reference to
21 one of the items being entitled The WIMS Process.

22 MR. PINKERTON: And also make note of the
23 fact that the brochure is entitled, on the front cover,
24 Take a Ride with WIMS.

25 MR. HARRIS: I don't know if you can reach

1 it or not.

2 THE WITNESS: We're going to have to get a
3 smaller table or longer arms.

4 MR. HARRIS: Dave --

5 MR. DOUGLAS: Uh-huh.

6 MR. HARRIS: -- had you seen that?

7 MR. DOUGLAS: I've seen that before, yes.
8 I haven't seen that sticker, but I've seen all that.

9 Q. (By Mr. Harris) Have you shared Exhibit 2 with
10 either Mr. Falk or Mr. Pinkerton or Mr. Davis or
11 Mr. Williamson?

12 A. No, sir. I just came across this this week.

13 Q. Okay. You are acquainted with Mr. Falk, are
14 you not?

15 A. Yes, sir.

16 Q. Are you acquainted with Mr. Pinkerton?

17 A. No. I -- well, I met him this morning.

18 Q. And I take it you've known Mr. Davis for a long
19 time?

20 A. Forty-four years, I believe to be correct.

21 Q. You haven't gotten to a golden anniversary yet,
22 have you?

23 A. We'll celebrate that one soon.

24 Q. And the people here from Printing Research,
25 Incorporated, you know them, don't you?

1 A. Yes, indeed.

2 Q. And, indeed, you worked at Printing Research
3 for quite some time?

4 A. Yes, sir.

5 Q. And I believe that you have attached a
6 curriculum vitae to your statement, if I can find it.

7 MR. WILSON: It's attached to this
8 (indicating).

9 MR. HARRIS: Well -- no. It's on here,
10 but that's -- here's the one I want.

11 Q. (By Mr. Harris) I'll direct your attention to
12 Exhibit 1 because I believe your statements there -- and
13 it's actually --

14 MR. WILSON: It's attached to the --

15 THE WITNESS: Yeah. I have a copy.
16 Yeah.

17 MR. WILSON: -- the same -- the same
18 document.

19 Q. (By Mr. Harris) It's actually entitled
20 Declaration of Steve M. Garner.

21 MR. PINKERTON: That's --

22 Q. (By Mr. Harris) And you have a --

23 MR. PINKERTON: Bill, I'm sorry. That's
24 Exhibit A. Are you going to use Exhibit A here in this
25 case as opposed to marking another one?

1 MR. HARRIS: I'd just as soon, as we
2 agree -- all of us can agree that they're the same --

3 MR. PINKERTON: That's fine.

4 MR. HARRIS: -- to pick one up right now
5 and mark it Exhibit 3 --

6 MR. PINKERTON: That's okay. Yeah, that's
7 fine.

8 MR. HARRIS: -- so we don't have the
9 excess paper.

10 MR. PINKERTON: Okay.

11 (Exhibit 3 marked)

12 Q. (By Mr. Harris) Now, Mr. Garner, your
13 curriculum vitae is attached to Exhibit 3, is it not?

14 A. (No response.)

15 Q. I'm not sure you called it a curriculum vitae.
16 I think I was 40 years old before I knew what one of
17 those was.

18 (Mr. Sweeney entered deposition
19 proceedings)

20 A. Yeah. I can't pronounce that yet. I just call
21 it a resume. Yes, it is.

22 Q. (By Mr. Harris) It's a curriculum vitae. Did
23 you choose the word "curriculum vitae"?

24 A. I think that's -- I don't recall whether I
25 chose it or whether that's just accepted as -- I've used

1 that word in reference to this particular document
2 before.

3 Q. In reference to this particular document?

4 A. To my resume. I've called it a curriculum
5 vitae before. Yes.

6 Q. Okay. And as far as you know, your curriculum
7 vitae attached is accurate; is that true?

8 A. Yes, indeed.

9 Q. I would like for you to explain one thing to
10 help me understand the scope of your work. Under the
11 Sun Graphic Technologies of Fort Worth, Texas portion,
12 1990 to '94 --

13 A. Yes, sir.

14 Q. -- the very last sentence reads, Three patents
15 issued for temperature control systems for offset
16 printing presses.

17 Those are your three patents?

18 A. I'm named on those patents. Yes.

19 Q. They're joint inventions?

20 A. Yes.

21 Q. Do you have any other patents?

22 A. I have one other patent. Yes.

23 Q. And what is it?

24 A. It's for a mechanical drive system for an
25 oscillating bridge roller on a printing press.

1 Q. When did you -- when did you make that
2 invention -- in the general sense of the word, when I
3 say "make."

4 A. It was during this tenure at Sun Graphic
5 Technologies.

6 Q. Did that patent not issue?

7 A. No. It issued. I got a notification that it
8 issued.

9 Q. I thought I read there were three that were
10 issued for a temperature control system. Am I just
11 confused, or is this last item you described a
12 temperature control system?

13 A. No. It was -- I didn't note that on there.
14 There was -- the temperature control system was the more
15 significant, I think, of the endeavors.

16 Q. You just chose not to list that patent?

17 A. Yeah. It's just a mechanical device that fits
18 into something that wasn't particularly relevant, in my
19 opinion.

20 Q. Relevant to what, sir?

21 A. To the information that I was trying to
22 transmit in this document.

23 Q. Was this document made particularly for this
24 lawsuit or for the patent office declaration?

25 A. No, sir.

1 Q. You just chose to omit it from your curriculum
2 vitae for all purposes then?

3 A. That was my choice.

4 Q. Do you not believe mechanical items are
5 patentable, or can be?

6 A. I think we've got plenty of evidence to support
7 they certainly are. In my estimation, it had no
8 commercial relevance at that point.

9 Q. Have you ever worked as an engineer?

10 A. Yes, sir.

11 Q. And have you ever worked as a design engineer?

12 A. No, sir. My profession was manufacturing
13 engineer. I did some tool design in that, but that
14 was -- it was a manufacturing engineer.

15 Q. I've -- excuse me just a minute. The education
16 is a BS in Mechanical Engineering from UT at Arlington,
17 right?

18 A. Yes, sir.

19 Q. You say a minor in chemistry?

20 A. I changed majors, yes, sir. I decided to
21 change majors my junior year.

22 Q. You started off in chemistry and then went to
23 mechanical engineering?

24 A. Yes, sir.

25 Q. Have you ever worked on the drafting board on a

1 regular basis?

2 A. No, sir, not on a regular basis.

3 Q. When at -- well, does -- let me just scrub all
4 that and start again.

5 Printing Research could be characterized,
6 I would think, as having a particular type of business
7 or a niche of business. What is that, sir, if I'm
8 correct?

9 MR. PINKERTON: Object to the leading form
10 of the question.

11 MR. HARRIS: To what form?

12 MR. PINKERTON: Objection. Leading.

13 MR. HARRIS: Let me kill that question.

14 Q. (By Mr. Harris) What does Printing Research
15 do?

16 A. Printing Research produces accessories and
17 auxiliary equipment for the graphic arts industry,
18 specifically for sheet-fed presses.

19 Q. They develop equipment, in part, don't they?

20 MR. PINKERTON: Objection. Leading.

21 A. Yes, indeed they do.

22 Q. (By Mr. Harris) Are they a printer?

23 MR. PINKERTON: Objection. Leading.

24 A. No, sir.

25 Q. (By Mr. Harris) What is Williamson, the

1 Defendant in this action --

2 MR. PINKERTON: Object to --

3 Q. (By Mr. Harris) -- the company?

4 MR. PINKERTON: Object to the form. I
5 assume you're asking what business are they in?

6 MR. HARRIS: Uh-huh.

7 MR. PINKERTON: Okay.

8 MR. HARRIS: I hope that cleared it for
9 me.

10 A. To the best of my knowledge, they're a
11 commercial printer, but they do other things too.

12 Q. (By Mr. Harris) Do you regard them as -- do
13 you or don't you regard them as being a research and
14 development company?

15 MR. PINKERTON: Object to form.

16 A. Not specifically. In the course of their
17 business, they do innovative things in order to remain
18 competitive, which I'm not, in particular -- know the
19 specifics of. But in order for them to maintain a
20 position in the industry, they would certainly have to
21 do some innovation. You can call it research. You can
22 call it what you like.

23 Q. (By Mr. Harris) Do you mean in the course of
24 their printing business?

25 A. Yes.

1 Q. Do you regard Printing Research, Incorporated,
2 and Williamson as being in the same business?

3 A. Not specifically, no, sir.

4 Q. While you were at Printing Research, did you
5 submit anything for patent application?

6 A. No, sir.

7 Q. Or for consideration for patent application?

8 A. No, sir.

9 Q. Was that within the scope of your job?

10 A. I suppose, if I came up with something, Howard
11 would have considered it; but it wasn't something that I
12 focused my business on.

13 Q. In the course of your work, have you had
14 occasion to read a significant number of patents? I
15 realize "significant" is a rather vague word, but if you
16 want me to try to clarify it, I will.

17 A. From my perspective, "significant" means a
18 large number, dozens or hundreds. I certainly was not
19 involved in it. I had occasions, from time to time, to
20 be invited in to read portions of several patent
21 applications. I couldn't enumerate exactly, but
22 certainly not -- not what you would probably consider
23 significant.

24 Q. Those were applications?

25 A. Yes, sir.

1 Q. Did that occur at Printing Research?

2 A. Yes, sir.

3 Q. Did it all occur at Printing Research?

4 A. I reviewed some while I was at Sun and some
5 while I was at Epic Products; but the more involved was
6 at Printing Research, I would say -- and, again, not
7 significant, but I was involved with some of those
8 discussions.

9 Q. I missed the last of what --

10 A. I was involved in discussing some aspects of
11 some of the patents that Howard was working on. Yes.

12 Q. Do you believe Mr. DeMoore has a lot of
13 patents?

14 A. Yes, sir. I walked through the lobby every day
15 for six years, and they're on the wall from one end of
16 the wall to the other. So I think that's a fair
17 statement.

18 Q. And I gather that's a pretty long wall, then,
19 huh?

20 A. It's very impressive. Yes, it's a long wall.

21 Q. Would you consider him an inventor?

22 A. In the truest sense of the word, yes, I would.

23 Q. And would you consider him capable of
24 inventing?

25 A. Yes, indeed.

1 Q. Have you ever been involved in any disputes
2 about inventorship prior, at least, to this?

3 A. No, I can't say that I've really been
4 involved. I've had a couple of questions asked me about
5 some things in the past, but it was not in a formal
6 arraignment, so to speak.

7 Q. Have you previously encountered the term
8 "conception" in connection with inventing?

9 A. Yeah, loosely, I would say. Yes. I'm not -- I
10 don't know what the definition is specifically.

11 Q. Are you saying you're not able to say what a
12 conception is?

13 MR. PINKERTON: Objection as to form, if
14 you're talking about from a legal standpoint or just
15 what his definition of conception is.

16 MR. HARRIS: Man, I mean what the question
17 says.

18 MR. PINKERTON: Okay. Object as to form
19 of the question.

20 A. I think that's very subjective. I don't know
21 what -- what defines a concept and where the line is
22 drawn. I don't know that anybody else truly does, but I
23 certainly don't.

24 Q. (By Mr. Harris) And turning to a legal point,
25 is it fair to say that you do or don't have knowledge

1 about what the legal definition is?

2 A. I have absolutely no knowledge of what the
3 legal definition is of concept.

4 Q. And in connection with inventions, or any
5 invention, are you familiar with the term "reduction to
6 practice"?

7 A. I think I understand in my own mind what that
8 means, but I'm not sure that it would qualify as a legal
9 definition either.

10 Q. I'd like to hear your personal definition
11 without any concern about what the legal one might be.

12 A. If you can demonstrate it physically, if that's
13 what the nature of the invention is, and that it could
14 be turned into something that I would feel like would be
15 commercially viable, I would say that's reduction to
16 practice.

17 I don't think you have to be in commercial
18 production, but I think that you have to be able to
19 demonstrate that it's capable of that. That's my
20 impression.

21 Q. And if I ask you what the legal definition was,
22 could you say anything different?

23 A. I would have no idea what the legal definition
24 is. That's my interpretation of my opinion on it.

25 Q. When did you first hear the term "simulated

1 reduction to practice"?

2 A. I don't recall specifically. It's -- I know
3 what that means, but I don't know when I particularly
4 heard that particular term or those -- those words.

5 Q. Well, help me out. Based on what you've
6 already said reduction to practice -- or whatever you
7 want to base it on -- tell me what a simulated reduction
8 to practice is.

9 A. Well, I think if you are going to demonstrate a
10 process, you may have to take multiple steps to
11 demonstrate the process before you actually produce the
12 process as a final result. I would consider the initial
13 stages simulated. Maybe I'm wrong, but that's what I
14 would consider.

15 Q. Did you and Mr. Falk discuss the term?

16 A. This declaration was -- I gave in Mr. Falk's
17 presence and we discussed it.

18 Q. You discussed the term --

19 A. Well, I read it and signed it, so I assume --
20 yeah, yes, we discussed it.

21 Q. I believe it's typed, is it not -- or printed,
22 if you will?

23 A. Yeah. It's -- the image is on the paper by
24 some means.

25 Q. Right. It isn't flexographic, is it?

1 A. I couldn't speculate on that.

2 Q. I bet you could.

3 And the putting it on the paper by
4 whatever means, that was done through Mr. Falk, was it
5 not?

6 A. Yes, sir.

7 Q. And did you write out a pencil draft first?

8 A. There were some pencil drafts. I didn't write
9 one complete and then have it typed word for word, but
10 there was some pencils and corrections and --

11 Q. I understand you've adopted it. Okay. But I
12 want to know, did Mr. Falk make some contributions or
13 suggestions?

14 A. It was a joint effort. I mean, he was asking
15 questions, much as you are, and writing down some of the
16 answers. So I think that he participated in the process
17 in that respect.

18 Q. Did he make any suggestions?

19 A. I don't know that he made any particular
20 suggestions. He asked questions and I answered them,
21 and he produced this as a result of that.

22 Q. Would he ask a question like the following:
23 Would you have any objection, sir, if we use the word
24 "simulated" to describe that?

25 A. Whether that came up in the discussion, I can't

1 recall.

2 Q. There was some discussion about -- there was
3 some discussion about terminology and the meaning of
4 various things, was there not?

5 MR. PINKERTON: Objection. Leading.

6 Q. (By Mr. Harris) Was there not?

7 MR. PINKERTON: Objection. Leading, form
8 of the question.

9 A. I'm not sure I understand what you're --
10 exactly what you're asking, Bill. Rephrase it again
11 or --

12 Q. (By Mr. Harris) Didn't you and Mr. Falk
13 discuss the best word to use sometimes to describe a
14 certain thing?

15 A. Well, I think that would be the intelligent
16 thing to do. Yes, sir. I wouldn't want to use the
17 wrong word, would I? I mean, we discussed the best way
18 to answer a question.

19 (Discussion between Mr. Harris and
20 Mr. Wilson out of hearing of reporter)

21 MR. HARRIS: Excuse me just a minute
22 more.

23 MR. PINKERTON: Sure.

24 Q. (By Mr. Harris) Do you recall -- and by the
25 way, I may -- I may say I think I perhaps misspoke on

1 one of my questions about simulated reduction to
2 practice. I'll double-check it in a minute, but I'll
3 ask you: Do you recall using the term "simulated"?

4 A. At what point? At what time?

5 Q. Well, in your declaration. I'm sorry.

6 Exhibit 3.

7 A. I recall that that was the term that was
8 selected to describe a series of steps that were done
9 prior to actual -- before the process could actually be
10 demonstrated. And "simulated" seemed to be a choice of
11 words that described that. There could have been
12 others, but that described -- described it adequately, I
13 think.

14 Q. Does the phrase "Rendleman Coater" mean
15 anything to you?

16 A. Yeah, broadly speaking it does. Yes, sir.

17 Q. What, sir?

18 A. Well, Ron Rendleman was responsible for the
19 design of the apparatus that was placed on the
20 Williamson press. And at one point before it had an
21 official name, I think it was described as a Rendleman
22 Coater, to the best of my recollection.

23 Q. Did you use that terminology?

24 A. I didn't come up with the terminology. I was
25 familiar with the terminology.

1 Q. Did you use it at the time while you were with
2 Printing Research?

3 A. I don't recall specifically using the term in
4 any conversations, but I was aware that that was what it
5 was generically termed as.

6 Q. Did you think it included a whole family of
7 coaters or one specific coater that was included?

8 MR. PINKERTON: Object to the form of the
9 question, and object on the basis of leading.

10 A. My only knowledge of it was related to the
11 coater that Ron was designing for the Williamson press.
12 There were other coaters in our company, and they
13 weren't called Rendleman Coaters. So I think it's
14 specific, in my opinion.

15 Q. (By Mr. Harris) Printing Research was not in a
16 position to fully try out the coater in its own plant,
17 was it?

18 MR. PINKERTON: I assume you're talking
19 about the Rendleman Coater here, Bill?

20 MR. HARRIS: Yes.

21 A. Well, certainly they could demonstrate the
22 function of the coater in their own plant. They had
23 one, and later two, on their own press.

24 Q. (By Mr. Harris) They could not do what's been
25 called, by some, lithoflex process in-line, could they?

1 A. No, sir.

2 Q. They had to go somewhere else to do it if they
3 wanted to do that, didn't they?

4 A. Correct. Yes.

5 Q. And in this particular city, I'm -- I'm curious
6 who has the most comprehensive set of presses.

7 MR. PINKERTON: Object to the form of the
8 question. It's vague and ambiguous.

9 A. There's so many different types of presses and
10 so many different types of printers, that to be
11 specific -- if you're talking about commercial printers,
12 that's one thing.

13 Q. (By Mr. Harris) I'm talking about multicolor
14 printers with a number of stations.

15 A. In terms of -- Williamson is the largest
16 commercial printer, I think -- not only in Dallas, but
17 maybe in Texas. I'm not sure. I may be wrong, but
18 certainly that's a -- that's a category they would fit
19 in.

20 Q. One living locally and working locally and
21 wanting to test the device of the nature of the
22 Rendleman Coater for the purpose it ultimately was used
23 for, where do you think they would be wise to go?

24 A. You would like to pick a high profile, very
25 visible client if you --

1 Q. And who would be the best pick in Dallas?

2 A. That's subjective.

3 Q. Well --

4 A. I would have no problem working with Williamson
5 on a project of any kind. They're -- they seem to be a
6 very visible, very prominent organization. And if you
7 can associate yourself with that positively, I think
8 there's some assets to that.

9 MR. HARRIS: Let's take a break.

10 MR. PINKERTON: Okay.

11 THE VIDEOGRAPHER: Going off the video
12 record at 10:39 a.m., Tape 1.

13 (Recess taken)

14 THE VIDEOGRAPHER: Back on the video
15 record at 10:57 a.m., Tape 1.

16 Q. (By Mr. Harris) Mr. Garner, are you familiar
17 with the so-called Rexham test?

18 A. Yes, sir. One aspect of it, at any rate.

19 Q. Would you explain what that aspect is.

20 MR. PINKERTON: I want to object to
21 the --

22 Q. (By Mr. Harris) R-e-x-a-m (sic). It's the
23 Rexham test.

24 MR. PINKERTON: Excuse me.

25 MR. HARRIS: Yeah.

1 MR. PINKERTON: I just want to object to
2 the form of the question because there's nothing on the
3 record about what test we're talking about. A Rexham
4 test --

5 MR. HARRIS: There's going to be.

6 MR. PINKERTON: Okay. I'll just object to
7 the form at this time.

8 A. Yes, sir. I was familiar with some aspects --
9 not the total testing program, but some aspects of it.
10 Yes, sir.

11 Q. (By Mr. Harris) Would you describe your
12 familiarity and tell us what it was -- the test was.

13 A. The particular test that I had some familiarity
14 with was the application of a metallic gold pigment to
15 a -- to a carton board, and it was applied through the
16 anilox coater that we had at Printing Research at that
17 time.

18 Q. Was that an unusual thing to do?

19 MR. PINKERTON: Objection to form.

20 Q. (By Mr. Harris) What you just described, is
21 that an unusual thing to do?

22 A. No, sir.

23 MR. PINKERTON: Same objection, for the
24 record.

25 Q. (By Mr. Harris) Sorry. No --

1 A. No. That -- applying metallic gold pigments
2 with anilox was not an unusual process. No, sir.

3 Q. And anilox rollers, in general, are used for
4 other purposes, however, aren't they?

5 A. Yes, sir.

6 Q. Would you explain.

7 A. They're used -- excuse me -- primarily on
8 presses here in the United States to -- on what's called
9 flexible packaging: things like snack foods, candy
10 wrappers, something as mundane as grocery sacks. And
11 the flexo process is used across a broad range of
12 packaging, and it's a popular process for that.

13 Q. And lithography is not combined with it in
14 those cases, is it?

15 A. In some cases it is.

16 Q. How is that done?

17 A. There's a company that produces a web press
18 that's a continuous -- it's not -- it's not individual
19 sheets -- that has a combined litho-flexo process. Many
20 small nonperfecting type presses -- that's presses that
21 just print on one side of the paper that -- or on one
22 side of plastic -- use a combined process, all web-fed,
23 to my knowledge.

24 Q. How does the -- how is the process run?

25 A. I'm not really an expert in all of the

1 finishing processes that go on on some of these, but
2 there are operations that occur on these machines where
3 you print, you coat, you perforate, you do many
4 operations. And flexo can be one aspect of this in
5 combination with other processes.

6 MR. HARRIS: Off the record just a
7 second.

8 (Discussion off the record)

9 Q. (By Mr. Harris) Do these processes work on an
10 in-line basis with a flexographic -- with a flexographic
11 step first being taken and then lithography taken
12 thereafter?

13 A. It can be. It depends on the process that
14 they're trying to achieve.

15 Q. Would you tell me where that's done.

16 A. I can tell you the name of a company that makes
17 a machine like that. I don't know where -- and I know
18 they have some sold, but I don't know -- I have not been
19 in the actual presence of it. But the company,
20 RDP Marathon, in Canada produces a machine where you can
21 put a flexo station at any point.

22 It's an interchangeable unit that can go
23 at any point in a -- in the press, and you can
24 interchange with litho or flexo at that point. You can
25 choose where you want to do this.

1 Q. Is that distinguishable from the process that
2 Williamson runs at such times as it uses the Rendleman
3 Coater and applies a flex step followed by lithography
4 steps in line?

5 A. I really -- as I say, I've never seen them
6 actually do this. But if you were to put the flexo
7 station at the first of the unit and put flexo down and
8 then litho after it, it would be -- to my understanding,
9 that would be somewhat similar to the process.

10 Q. Do you know if they have publications about
11 their process?

12 A. Well, they -- they exhibit at trade shows their
13 machinery, so -- but I -- as I say, that's not something
14 I'm specifically familiar with. I've just -- I've read
15 it in the -- you know, in some of the literature about
16 this.

17 Q. How recently, sir?

18 A. Well, this year they had an advertisement in
19 some of the magazines. I'm not sure -- Converting or
20 one of the magazines.

21 Q. How about the summer of 1995? Had you read
22 anything or heard anything about such an item then?

23 A. No, sir, I hadn't specifically.

24 Q. You don't know whether such a thing existed
25 then?

1 A. I know now, but I didn't know then.

2 Q. Do you know now that it existed then?

3 A. To my knowledge, they had that process
4 somewhere in that time frame, but I don't know
5 specifically. As I say, that wasn't something that I
6 was following particularly. It was a web -- it was a
7 web set -- an offset operation.

8 Q. Did you discuss this with Mr. Falk, this
9 subject?

10 A. I don't know that that came up.

11 Q. Where these --

12 MR. PINKERTON: Did you discuss it with
13 Mr. Harris?

14 THE WITNESS: Mr. Harris should have in
15 his possession a brochure from that company.

16 MR. PINKERTON: Okay. What's that
17 brochure?

18 MR. HARRIS: I'd like to know too.

19 MR. PINKERTON: Can we break and get that
20 brochure?

21 THE WITNESS: I placed that brochure in an
22 envelope probably two years ago, along with some other
23 documentation that I forwarded over while under Howard's
24 direction. I was trying to find things to support
25 Printing Research's position. And that brochure should

1 be in your possession. It's somewhere.

2 Q. (By Mr. Harris) Well, I have no comment on
3 it. I don't have it.

4 A. Well, I don't have it either because I sent it
5 to you --

6 MR. PINKERTON: We would like --

7 A. -- or to your company.

8 MR. HARRIS: Apparently, you don't have it
9 either?

10 MR. PINKERTON: We sure don't have it, and
11 we sure would like to have that produced.

12 MR. HARRIS: Well, so would -- probably so
13 would the commissioner of patents.

14 MR. PINKERTON: I don't know if he would
15 or not, but that's something we need to investigate.

16 THE WITNESS: They've probably got a
17 Web site.

18 Q. (By Mr. Harris) When Mr. Falk got this
19 declaration from you, did he ask you about the prior
20 art?

21 A. I'm not sure I really understand specifically.
22 He asked what Printing Research had done in this
23 respect, and if that constitutes prior art -- I really
24 don't really understand exactly what --

25 Q. Did he ask you, What have others done in this

1 area?

2 A. It probably came up in the discussion that this
3 was -- that flexo and litho, as a combined process, was
4 being done by other people. I don't recall specifically
5 if I mentioned Marathon, but Heidelberg was doing it,
6 and MAN Roland was doing it. Many people were doing it
7 on sheet-fed presses. And many people were doing
8 combined processes on offset presses, web presses. And,
9 you know, to sit down and specifically list all of
10 those -- to the best of my knowledge, we didn't do that
11 because I don't --

12 Q. Did you list --

13 A. -- I don't --

14 Q. Did you list some of them?

15 MR. PINKERTON: He's asking you
16 specifically a conversation that you had with
17 Mr. Falk --

18 MR. HARRIS: That's correct.

19 MR. PINKERTON: -- whether or not that was
20 specifically discussed.

21 A. I don't recall discussing the RDP Marathon
22 press specifically. I don't recall that. We were
23 talking about -- as we have several times in your
24 presence -- the combined process of flexo and litho was
25 not new, but doing it in line with the flexo process

1 first appeared to be something unique -- and sheet fed.

2 Q. (By Mr. Harris) Well, let me tell you, sir, my
3 question contained the flexo step first. And if we've
4 gone through all of this, then we've wasted a little
5 time. Would you like to hear the question read back
6 or --

7 A. Yes.

8 Q. -- or we can just go ahead and say it again
9 since so many words have been said. What it boiled down
10 to is -- I thought I got around to, and I believe
11 everybody else thinks I got around to -- asking if you
12 had seen a flexographic step taken, followed by
13 lithography, all done in line in a single pass.

14 A. And my statement was: Was it to the effect as
15 to what time frame? And then -- then I believe I
16 mentioned that there is a press that has a capability to
17 do that, but I have not personally been exposed to it or
18 demonstrated it.

19 Q. Well, sir, how is that different from what you
20 just said just a few moments ago as being a
21 distinguishing factor?

22 A. Again, I didn't follow that, Bill. I'm sorry.

23 Q. There isn't any distinguishing factor, is
24 there, from what you say?

25 MR. PINKERTON: Objection. Leading.

1 A. I'm missing the point there some. I'm sorry.

2 Q. (By Mr. Harris) Well, maybe I'm missing it.
3 Let's try again.

4 Consider the process that you have seen
5 run at Williamson with a Rendleman Coater up front and
6 lithographic printing taking place after that. Consider
7 that in one pass in line you lay down the flex and then
8 the lithographic printing. Are you with me?

9 A. Yes, sir.

10 Q. I'm asking you: Have you seen that process
11 previously, or have you heard of it previously, or do
12 you know anything about it other than through PRI, its
13 own work, and Williamson's work?

14 A. The only thing that I can say to that is that
15 there are presses that are capable of doing that, and
16 have been, that are combined litho-flexo presses in the
17 web industry, but I'm not knowledgeable enough to -- and
18 I've certainly not seen them do this, but I know that
19 they have the capability to do that. And I don't know
20 that they've even done it to this day, but they
21 certainly have the capability of interchanging flexo and
22 litho stations. And that's been around for a while.

23 Q. Do you have any brochures, or can you direct us
24 to any, or books or periodicals or any information
25 whatsoever that would further describe this subject

1 matter?

2 A. To be repetitive, I gave you a brochure on
3 this -- or gave your company a brochure on this
4 particular company, RDP Marathon, from Canada. And they
5 still exist. So if somebody wants to look into that,
6 that's -- they can take the initiative to do that, if
7 they desire.

8 Q. Does the publication or brochure show how this
9 could be done in the manner that I described previously
10 with there being flexography with lithography following
11 in line, one pass?

12 A. I don't know that they specifically give the
13 orientation of the printing. They -- to my
14 recollection, they state that these stations are
15 interchangeable. Now, what the sequence is, I don't
16 recall that they stated it. That would be up to
17 probably whoever was using the press.

18 Q. Do you know where one of the presses is located
19 in the United States?

20 A. I know there is one in the United States, but I
21 don't know where it's located. It was in this
22 publication that was earlier this year --

23 Q. What city is this company located in?

24 A. They're in the French section of Quebec. It's
25 not Montreal. It's not Montreal specifically; not

1 Quebec, city. It's in Quebec somewhere.

2 Q. Do you think you have given us the full name of
3 the company --

4 A. RDP --

5 Q. (By Mr. Harris) -- if we'd want to follow up
6 on it?

7 A. RDP Marathon. Yes, sir, to my recollection.
8 Now, they may have some other things on there, but
9 that's -- that's the --

10 Q. We were talking some time back about the Rexham
11 test. Do you recall?

12 A. Yes, sir.

13 Q. And who was Rexham?

14 A. Rexham is -- they're not called Rexham
15 anymore. I don't know what their name is anymore, but
16 at that time Rexham was one of the large converting
17 companies. And a converting company can do printing and
18 other processes.

19 They were involved in all manner of
20 packaging, sheet-fed packaging being one of them. And
21 we were doing some testing for adaptation for our
22 equipment to a sheet-fed press.

23 Rexham had many plants. So this
24 particular one in North Carolina we were associated
25 with.

1 Q. And perhaps there will be some repetition, but
2 we had that other matter that came up, so I apologize
3 for it. But I need to ask: And what was the test?

4 A. Rexham had a press, six-color as I recall, with
5 a coater at the end of the press. And they were
6 interested in applying metallics, and that coater wasn't
7 configured to do that. And they asked us if we could
8 run some tests with our anilox to see -- test the
9 feasibility of converting that coater to an anilox
10 coater so they could apply these gold -- gold metallic
11 figures. And that was what we were testing.

12 Q. Was that done?

13 A. Yes, sir.

14 Q. Did you witness the test?

15 A. I witnessed the part with the gold. Yes.

16 Q. Did it work?

17 A. Yes, sir.

18 Q. What was done with the product?

19 A. I'm sorry?

20 Q. The product of the test, the printed material.

21 A. The printed material?

22 Q. What was done with it?

23 A. Some samples were left at Printing Research.

24 Some samples were sent back to Rexham for whatever
25 purposes they were going to use. And one sample John

1 Bird and me showed to the Williamson people -- to Jesse
2 Williamson.

3 Q. Uh-huh. Now, at that time it didn't have a
4 lithographic step applied to it, did it?

5 A. No.

6 MR. PINKERTON: Counsel, I'd like to
7 object to that question as to the time. We don't know
8 what time this took place.

9 MR. HARRIS: Yeah.

10 Q. (By Mr. Harris) He's asking the questions.
11 He's asking you when did it take place.

12 A. Well, I thought you were alluding to
13 Paragraph 5 here. In October of 1994 PRI ran tests for
14 Rexham. Is that correct?

15 Q. Uh-huh.

16 A. That was the time frame.

17 Q. And why did -- can you tell me -- let me see if
18 I can put this a little bit different.

19 Can you describe what reaction, if any,
20 that Mr. Williamson had to the product? And I mean the
21 printed product with gold on it.

22 A. He seemed to react favorably to it.

23 Q. Do you recall any statements he made at the
24 time that related to taking such a project forward or
25 doing anything in that area?

1 MR. PINKERTON: Objection to the form of
2 the question. Objection. Leading.

3 A. Not at that particular time. No, sir.

4 Q. (By Mr. Harris) Were you with someone else?

5 A. I was with John Bird. Yes, sir.

6 Q. And was someone else with Mr. Williamson?

7 A. Not that I recollect at that --

8 Q. Was that Mr. Jesse Williamson?

9 A. Jesse.

10 Q. What did Rexham -- how did Rexham react, if you
11 can recall?

12 MR. PINKERTON: Objection. Form.

13 A. To the results of the test? Is that what
14 you're alluding to?

15 Q. (By Mr. Harris) Yes, it is.

16 MR. HARRIS: I didn't mean to be leading,
17 however.

18 MR. PINKERTON: I didn't object on that
19 basis.

20 A. They reacted favorably.

21 Q. (By Mr. Harris) Was there any follow-up of any
22 kind?

23 A. Yes, sir. They gave us a purchase order to
24 convert the tower coater to anilox.

25 Q. Did they indicate to you why they wanted to do

1 that?

2 A. Among other things, they were looking to put
3 these metallic images on cigarette cartons at that time,
4 as I recall. And, you know, that was -- they may have
5 had other reasons, but that was one of the specific
6 things they were looking at.

7 Q. Did they send back any samples or examples of
8 what had been done with your work?

9 A. I never saw any.

10 Q. You didn't see any?

11 A. No, sir.

12 Q. Did you hear anything about them?

13 A. I didn't specifically.

14 Q. Do you know if they planned to run or ran
15 lithographic steps after the flexographic run?

16 A. They were going to overprint these. Some of
17 them may have been preprinted. Some of them may have
18 been printed on the second pass. They weren't going
19 to -- they may have done some in-line. I don't know. I
20 mean --

21 Q. Well, I'm not so concerned about the in-line;
22 but if they did any, I'd like to know about it. On the
23 other hand, if they did it two-pass, I'd like to know
24 about that too.

25 A. I couldn't comment specifically on what they

1 did with them when they came back. We -- we put the
2 gold on.

3 Q. I understand. But you had an expectation, I
4 believe from what you said, what they were going to do
5 with it?

6 MR. PINKERTON: Objection as to form.

7 Q. (By Mr. Harris) Is that true?

8 MR. PINKERTON: That calls for
9 speculation.

10 A. Yeah. I really don't --

11 Q. (By Mr. Harris) I thought you said something
12 about cigarette cartons.

13 A. Well, they were going to put gold on cigarette
14 cartons. I don't know whether they were going to put it
15 on first or last though. The press -- the coater was at
16 the end of the press. So, you know, you can make an
17 assumption, if you wish, as to when --

18 Q. What assumption would you make?

19 MR. PINKERTON: Objection as to form.
20 Calls for speculation.

21 A. Paper enters the press at one end, and it goes
22 to the other and covers --

23 Q. (By Mr. Harris) That sounds logical.

24 A. Well, I mean, we're getting -- getting down to
25 some basics here. The paper goes through subsequent

1 stations before it gets to the coater. What they do
2 with it on those other stations I have no way to
3 verify. I wasn't there.

4 Q. Isn't it possible to do nothing at the other
5 stations?

6 A. Absolutely.

7 Q. And then go through the coater?

8 A. Yes, sir.

9 Q. And then go back through and apply --

10 A. Yes, indeed.

11 Q. And isn't that what you were talking about when
12 you considered such things as simulation?

13 A. That would be one simulation.

14 Q. Sir, you've been in the business a long time.
15 Do you have an opinion what Rexham did?

16 MR. PINKERTON: I'm going to object on the
17 basis of lack of foundation and asking for speculation.
18 He doesn't know what Rexham did, based on his
19 testimony.

20 MR. HARRIS: I don't know if the Gulf of
21 Mexico is still there, but I assume it is.

22 MR. PINKERTON: We're not asking for his
23 assumptions, Mr. Harris. We're asking for facts. And
24 if he doesn't know, there's no reason to fog the record
25 with speculation about what might have happened. We'll

1 obviously have to ask Rexham what they did.

2 Q. (By Mr. Harris) You are looking to
3 Mr. Pinkerton for legal help today?

4 A. I met Mr. Pinkerton this morning for the first
5 time. I certainly am not looking to him for anything.
6 I assume he has the right to ask some questions or to
7 make some comments.

8 Q. You just did some assuming, sir.

9 A. Well, I think you used the word "assuming" a
10 few minutes ago about relative to the Gulf of Mexico.

11 Q. That's right. And I was asking you to give me
12 an opinion, not an assumption, on what was done or to be
13 done at Rexham.

14 MR. PINKERTON: It's not an opinion.
15 It's -- it's just total speculation.

16 A. I don't know the difference between an opinion
17 and speculation. I don't know what Rexham did with
18 them. I know what we did in our test in Printing
19 Research. And I know what they had told us they would
20 like to do with them, but that doesn't --

21 Q. (By Mr. Harris) Well, now, wait a minute.
22 What did they tell you they would like to do with them?

23 A. They wanted to put gold, metallic gold, borders
24 on cigarette cartons.

25 Q. And that's all they told you?

1 A. Relative to the gold, that's all that I recall
2 them telling me.

3 Q. Relative to anything else that you can
4 remember?

5 A. We -- we did some other tests with them too,
6 but I wasn't in the presence when we did the
7 pearlescence and some of the other tests that we did.
8 So I -- gold wasn't the only test that they were running
9 there during that period of time. The gold was the one
10 that I had some particular interest in myself.

11 Q. Do you have some knowledge about these that you
12 weren't so involved in, these tests that you weren't so
13 involved in?

14 A. I -- not specific knowledge, no.

15 Q. Is the extent of your knowledge just that
16 something else was done and you don't know what?

17 A. Yeah. I think that's a fair statement. I
18 wasn't the one running the tests. I was involved in
19 some aspects of observing the tests, but I was not there
20 when they were all ran. They sent several different
21 types of chemistry to be tested, gold being one of them.

22 Q. How long did you -- looking at your curriculum
23 vitae -- how long did you work with PRI, as you call it?

24 A. Six years, essentially. April of '94 to the
25 end of March of this year.

1 Q. I see PRI here in capitals. Is -- is that the
2 name of the company?

3 THE WITNESS: Have you not changed the
4 name of the company logo now to PRI?

5 A. I think that's what --

6 Q. (By Mr. Harris) Is that -- is that something
7 different than it used to be?

8 A. I think the marketing people had made a
9 distinction between Printing Research spelled out and
10 PRI, but the initials stand for the same thing.

11 Q. I understand that, sir, but that's not my
12 question. My question is: Three years ago -- I'll make
13 a specific one -- was the term PRI used to identify the
14 company?

15 A. Informally, yes.

16 Q. Informally how?

17 A. Well, it wasn't part of the marketing program
18 at that time, as I recall. But, you know, instead of --
19 we just abbreviated it in some of our statements and
20 discussions. It wasn't on a brochure like that, I don't
21 think.

22 Q. Right.

23 A. But it is now, to my recollection.

24 Q. But then, you're telling me, it wasn't on
25 printed material and so on that went out to the public?

1 A. No, sir, I don't think that it was.

2 Q. What is rack-back blanket plate coater
3 technology?

4 A. A crude description to try to show how
5 something is not intuitive, to describe how it -- how it
6 operates mechanically. The choice of words on that
7 is -- rack-back is one of the terms that's used to
8 describe the way a coater or a piece of auxiliary
9 equipment moves out of position and into position
10 relative to whatever its task is.

11 It comes back. Sometimes it's on a rack
12 and pinion sometimes. So rack-back is a term that's
13 sometimes used to say how it's -- you know, how it
14 mechanically moves in and out of position.

15 Q. What is a linear rack-back coater?

16 A. That's one that comes on the slide in a linear
17 fashion, either horizontal or some angular --

18 Q. And that was old technology --

19 A. That was the --

20 Q. -- in 1994?

21 A. That was the existing technology for applying
22 an aftermarket coater to a litho press because it had to
23 be brought in and out of position through, typically, a
24 rack-back on a linear -- on a linear slide. These were
25 all located at the end of the press at that time.

1 Q. You've indicated that John Bird, in the fall
2 of '94, came to you indicating WPC wanted us to go with
3 the flexographic rack-back device up front in one or
4 more of the forthcoming Heidelberg presses. Do you
5 recall that?

6 A. I recall that John was where I first became
7 aware that Williamson was interested in this.

8 Q. Did he draw any sketches for you at the time
9 that he told you this?

10 A. No, sir. I don't recall anything sketched at
11 that point.

12 Q. Did he indicate how such a flexographic
13 rack-back device might be made and installed in a
14 workable fashion?

15 A. John didn't describe the equipment to me.
16 Only -- he just said that this was something that was
17 being considered.

18 Q. Did you, at that point when he told you that,
19 in your mind's eye, see how to do it?

20 A. I saw that it was possible to do, but I
21 certainly didn't have any -- anything in my mind how
22 to -- how to actually do it; but I say, well, yeah,
23 that -- that sounds doable, or something to that effect.

24 Q. Do you know what -- what Rendleman, Ron
25 Rendleman, was working on at the time that this

1 discussion was held between you and John Bird in 1994?

2 A. No, sir.

3 Q. Could it have been most anything in the
4 printing area?

5 MR. PINKERTON: Object to form. Calls for
6 speculation.

7 A. I don't know. Ron didn't work for me, so I
8 don't know what he was working on at that point.

9 Q. (By Mr. Harris) All right. It says on your
10 Paragraph 4 of Exhibit 3, Bird did not tell me who the
11 inventors were of the process, whether they were
12 employees of WPC or PRI employees.

13 Do you still remember it that way?

14 A. Yeah. John didn't say anything to me relative
15 to where the idea came from, as I recall.

16 Q. It says, "the inventors of the process." Would
17 you tell me what the process was. Look at Paragraph 4.
18 I don't see a process mentioned, so I'd like for you to
19 tell me what the process was.

20 A. Looking at the WIMS process, I was alluding to
21 that process specifically. At that point --

22 Q. Were you familiar with the WIMS process in 1994
23 at that point?

24 A. At some point I became aware of it; but at
25 that -- at that particular time, I don't recall being

1 aware of the --

2 Q. All right. Let's --

3 A. -- WIMS because it wasn't -- we were -- we were
4 putting some dryers on their presses at that point. But
5 somebody was aware of it, but I wasn't.

6 Q. Somebody was aware of the WIMS process?

7 A. Yes.

8 Q. All right. Now, by the WIMS process, you're
9 talking about their patented color separation process or
10 whatever it is?

11 A. Integrating metallics into the process, yes, of
12 litho.

13 Q. So at that time, if you weren't aware of it,
14 could you tell me what you meant by Bird did not tell me
15 who the inventors were of the process?

16 A. He didn't tell me who gave him the idea to put
17 flexo down first, and that's the process that I'm
18 alluding to there. At that point maybe "process" was
19 the wrong word, but that's the only way I knew to
20 describe it, was the process.

21 Q. Did Bird ever tell you that he didn't believe
22 processes were patentable?

23 A. I don't recall that he ever made a statement
24 regarding that one way or the other.

25 Q. Did Baker ever tell you that?

1 A. Certainly not.

2 Q. Would you agree with me that if you have an
3 appropriate device up front, one that's workable, then
4 the process becomes relatively straightforward?

5 MR. PINKERTON: Object to the form of the
6 question. And object to leading. Vague and ambiguous.

7 MR. HARRIS: It's a technical subject. I
8 have to ask it that way.

9 (Mr. Wilson left deposition proceedings)

10 A. If a piece of equipment existed that would
11 allow this to work?

12 Q. (By Mr. Harris) Yes.

13 A. Would it -- again now.

14 Q. Would it not be evident and fall into place,
15 the so-called process?

16 (Mr. Wilson entered deposition
17 proceedings)

18 MR. PINKERTON: Objection. I'm going to
19 object to the -- to the form of the question. Object as
20 vague and ambiguous, asking the witness to speculate.

21 A. Bill, I don't know how intuitive that would
22 be. I just don't know. I mean, if you -- a lot of
23 things become very obvious once something's done that
24 they weren't obvious before. So I don't -- if -- there
25 wasn't a piece of equipment existing to do that, so I

1 can't really -- once -- once the idea came about, maybe
2 it was intuitive. I just don't know. And that's a --
3 that is ambiguous to me.

4 Q. (By Mr. Harris) In any event, you would agree
5 with me, would you not, that you -- to practice such a
6 process as you had in mind, you would have to have this
7 piece of equipment that didn't exist yet?

8 A. Yes. I think that's a fair statement.

9 Q. And that piece of equipment ultimately became
10 the Rendleman Coater; is that true?

11 A. Yes, sir.

12 Q. You say here, At this time I don't recall being
13 told about the WIMS process of WPC, which issued shortly
14 there afterwards, on December 6, 1994, as
15 US Patent 5,370,976 (Jesse Williamson and others at
16 WPC).

17 Do you have a copy of that patent?

18 A. I don't have it anymore. I had one when I was
19 at Printing Research certainly.

20 Q. Uh-huh.

21 A. I'm very aware of that patent.

22 Q. Did you read it when you were at Printing
23 Research?

24 A. Yes, sir.

25 Q. What does the patent cover, in a sense? I'm

1 not talking about in the specific little claims or
2 detailed claims. What's it about?

3 A. It's a process of -- to the best of my
4 knowledge, a process to separate colors so you can
5 integrate metallic as part of the process as opposed to
6 putting it on as a separate step. And that has to do
7 with separations of various colors and screen angles and
8 things that are -- that are involved in the color
9 process -- the separation process.

10 Q. Would you think it pretty complex for a layman?

11 A. It was damn complex for me, if you'll excuse
12 the term. It's very complex. There's a description of
13 it in here if you want to try to read it.

14 Q. I tried to read it --

15 A. I'm a mechanical engineer. This involved
16 things that were well beyond the scope of my
17 understanding.

18 Q. Well, you found some of that chemistry minor in
19 there, though, didn't you?

20 A. Just about enough to confuse me.

21 MR. PINKERTON: Bill, can we take about
22 a -- are you through with Paragraph 4?

23 MR. HARRIS: Well, if you want me to be.

24 MR. PINKERTON: Can we take about a
25 five-minute break?

1 MR. HARRIS: I'm not going to absolutely
2 promise that I might not come back.

3 MR. PINKERTON: No. I'm really asking if
4 you're at a good stopping place. If not, let's hang on
5 for a few more minutes.

6 MR. HARRIS: Sure.

7 MR. PINKERTON: A good stopping place for
8 a minute?

9 MR. HARRIS: You guys run out and get some
10 of that --

11 THE VIDEOGRAPHER: We're off the video
12 record, 11:37 a.m., Tape 1.

13 (Recess taken)

14 (Mr. Watson entered deposition
15 proceedings)

16 THE VIDEOGRAPHER: We're back on the video
17 record at 1:33 p.m., Tape 1.

18 Q. (By Mr. Harris) We had not specifically
19 discussed Paragraph 5, as such, to Exhibit 3, had we,
20 sir?

21 A. We were in the process of it, as best as I can
22 recollect.

23 Q. Well, we had talked some about Rexham, of
24 course?

25 A. Right. That's -- yes, sir.

1 Q. And you told me that -- something about
2 cigarette carton customers, didn't you?

3 A. Yes, sir. That's correct.

4 Q. And did you tell me that with speculation, or
5 was it fact?

6 A. That part, as I -- as I recollect, was indeed
7 what they were looking at -- one of their applications.
8 Any of the other applications I'm not sure of. And --
9 but cigarette cartons were specifically mentioned in
10 relationship to those gold metallic tests that we were
11 running.

12 Q. As I understand, you had Mr. Bird with you when
13 you went over to see Mr. Williamson with the results of
14 the Rexham test; is that true?

15 A. Yes, sir. That's correct.

16 Q. The second line says, We printed some metallic
17 gold inks for Rexham as samples, some of which were
18 preprinted.

19 Sir, being one that's not in the printing
20 arts, just exactly what's -- tell me, so I will know,
21 just exactly what's meant by that.

22 A. I'm not sure that -- that they were actually
23 preprinted at --

24 Q. You think that may be wrong?

25 A. That may be -- I don't recall if they were

1 printed. Seemed like the board -- some of the board was
2 preprinted, but I know most of the runs that we ran were
3 not preprinted. They were going to print on them
4 perhaps later, but that -- that may be just a little bit
5 of a step there. I've never --

6 Q. A little bit of what?

7 A. That may be -- I'm not sure that that -- that
8 they were preprinted.

9 Q. A little bit of a step --

10 A. Yeah.

11 Q. -- or a little bit of a slip? Which did you
12 say?

13 A. Well, that may be -- I'm not -- they -- I don't
14 think they were preprinted, but they -- I'm just not
15 sure.

16 Q. That particular sentence you're not sure of --

17 A. Yeah.

18 Q. -- and I can strike, huh?

19 A. Yeah, maybe we should. I -- yeah. Without
20 being absolutely positive that they were preprinted, we
21 probably ought to strike that one.

22 Q. Well, you think your mind has just changed
23 since the time you gave the affidavit?

24 A. Reflecting on that, I just don't -- I just
25 don't recall. I know that we did -- some of the

1 objectives were to do preprint, but that's where I --
2 I'm not sure that those were already done that way.

3 We ran a lot of tests during that period
4 of time, and I'm not -- I can't say that the Rexham ones
5 were preprinted, looking at it specifically.

6 Q. What other tests do you recall during that
7 period of time?

8 A. We brought customers in from various companies,
9 which I can't recall, enumerate. But we showed that
10 coater to other people --

11 Q. Uh-huh.

12 A. -- and --

13 Q. Did you run it for them?

14 A. I didn't, but we -- the company did.

15 Q. You did run this? The company did?

16 A. Yeah. It was a demonstration press. We had
17 our dryers and our coaters on that press for purposes of
18 demonstration.

19 Q. And do you know if any of the products were
20 subsequently overprinted with lithography?

21 MR. PINKERTON: Objection as to form.
22 Leading, no foundation, vague and ambiguous.

23 A. I don't know that for a fact.

24 Q. (By Mr. Harris) Do you know it for a likely
25 fact?

1 MR. PINKERTON: Same objection.

2 A. Well, it's likely. I mean, there would be no
3 reason just to put flexo down and then not do anything
4 else, but I wasn't involved with the subsequent
5 disposition of the products.

6 Q. (By Mr. Harris) How do you place October '94
7 as the time when this event took place, including the
8 trip over to see Mr. Williamson and show him the gold
9 work?

10 A. That's just the best of my recollection. I was
11 fairly confident that it was in October, just running
12 through the litany of activities during that period of
13 time. That seemed to be an identifiable time. Without
14 having anything to document that specifically, that's
15 the best of my recollection.

16 Q. Plus or minus how much?

17 A. What's your scale? Plus or minus --

18 Q. I was asking you to give us a scale. Plus or
19 minus how much?

20 A. Plus or minus a week. It was in October, you
21 know.

22 Q. You're sure about October?

23 A. I -- as sure as I can be without, you know, it
24 stamped on my forehead. It's just -- that's what it
25 is. That was the time frame we were working in.

1 Q. What do you mean by that, the time frame that
2 you were working in?

3 A. That's when we were doing testing for Rexham,
4 during that time frame.

5 Q. You said plus or minus a week or two weeks?

6 A. It was in October; toward the end of October,
7 as I recollect. And to be more specific than that, I
8 can't.

9 Q. Well, as a matter of fact, you're not that
10 specific in your affidavit. You just say October. Are
11 you telling me now you can be more specific and say
12 toward the end of October?

13 A. Without my -- without a desk calendar or some
14 specific date, that's my recollection. Yes, sir.

15 Q. Would your desk calendar tell you?

16 A. I looked and I couldn't find it. I could find
17 no documentation as to the exact date of that, although
18 our pressman who ran the test, to the best of my
19 recollection, indicated that that's when his -- when the
20 tests were run, according to his -- his records.

21 Q. Uh-huh.

22 A. I have no -- I don't have those, but that
23 was --

24 Q. When did you speak to him?

25 A. Oh, several times during the past two and a

1 half years before I left Printing Research.

2 Q. Uh-huh. What was the purpose of asking him
3 about when the Rexham runs took place and/or the
4 Williamson trip to show the gold work took place?

5 A. Mr. DeMoore had asked me to see if we could
6 come up with any kind of date, samples, anything that
7 would be relevant to this type of activity during that
8 period of time. And since he was our pressman that ran
9 all the tests, that was just natural to question him
10 about what his records reflected, what samples he might
11 have.

12 (Discussion between Mr. Harris and
13 Mr. Wilson out of hearing of reporter)

14 Q. (By Mr. Harris) This was a two-color press,
15 right?

16 A. Yes, sir.

17 Q. And could you properly speak of putting the
18 Rendleman Coater on the first unit of the press?

19 A. Yes. Subsequently that was done.

20 Q. On the two-unit one?

21 A. Correct.

22 Q. And when did that start, putting it on there?

23 A. On the first unit?

24 Q. Uh-huh.

25 A. I don't have the exact date, but I think it was

1 sometime in the first/second quarter of '95, somewhere
2 along in there.

3 Q. Uh-huh.

4 A. I don't have those committed to memory, but
5 that was some of the things I looked at with Ron to find
6 out when we had actually started building a unit for our
7 first -- for the first unit. And I -- you know, he's
8 got those dates, I'm sure, specifically; but it was
9 during that time frame.

10 Q. And you are speaking of the Rendleman Coater,
11 right?

12 A. Yes, sir.

13 Q. And that's the Ferris wheel coater?

14 A. Yes, sir. That's the one that uses the Ferris
15 wheel cantilever movement. Yes, sir.

16 Q. You make the point that PRI started using --
17 well, let me try again. They designed and fabricated,
18 or started the design and fabrication of an experimental
19 unit -- to make the question clean, I'll start it a
20 third time.

21 Specifically what you said was PRI started
22 in earnest the design and fabrication of an experimental
23 Ferris wheel or cantilevered interstation long-arm
24 rack-back device in the late fall of 1994. Now, is that
25 the same unit you just mentioned to me?

1 A. The long arm would be the one for the
2 printing -- to fit on the actual print unit; the short
3 arm being the one to fit on a coater unit. Yeah. And
4 the words kind -- it kind of drags on and on, but that's
5 to try to define it as best you can because it's not
6 something that's -- you know, that you can go to a
7 dictionary and find.

8 Q. It's not what you described as traditionally
9 under rack-back, is it?

10 A. Well, not -- not really, but it -- when you --
11 when you're moving the device mechanically into another
12 position, you use the best terms that you can come up
13 with to try to describe that process.

14 Rack-back might help somebody to visualize
15 the fact that you're moving that, where a cantilevered
16 Ferris wheel might leave somebody saying, What in the
17 heck is that? But a rack-back kind of describes the
18 fact that you're moving that from one position to
19 another.

20 A poor attempt at trying to clarify
21 something, I guess; but at least that's -- that was the
22 intent on that.

23 Q. You place the time as the late fall of 1994.
24 How do you do that?

25 A. Well, the drawings that Ron and me went over

1 many times all were dated -- the earliest one was late
2 fall, in December, I think -- early December. I don't
3 remember the exact date.

4 Q. Is that while you were helping Ron try to find
5 out what development was and development dates were?

6 A. That's why we were going through the process of
7 trying to -- yeah.

8 Q. While you were still an employee?

9 A. Oh, yeah, absolutely.

10 Q. And then trying to help the company, right?

11 A. Well, I'm still trying to help the company. My
12 position hasn't changed, Bill. I'm not an adversary.
13 This document describes exactly the position that I took
14 when I was at Printing Research. Maybe I'm embellishing
15 this a little bit, but I'm not an adversary. I'm still
16 trying to help --

17 Q. Well, what do you mean --

18 A. -- if you don't mind me saying so.

19 Q. What do you mean about embellishment? I'm
20 about halfway kidding, but you said embellish.

21 A. Well, I am too.

22 Q. You said embellish, and I have not accused you
23 of anything to the contrary.

24 A. Except being an adversary, which I'm taking an
25 official position that I'm not adversarial to Printing

1 Research in this. I'm not an adversary, period.

2 Q. Well, as a nonadversary, that's while you were
3 with Printing Research, wasn't it?

4 A. Yes. And performing my duties in a diligent
5 and loyal fashion.

6 Q. And trying to help -- and trying to help them
7 in this lawsuit at that time? That's fair? That's
8 true, isn't it?

9 A. Yes, it is indeed true.

10 Q. But that duty, as far as you're concerned,
11 ceased being as a duty when you ceased being an
12 employee; is that true?

13 A. Specifically as a duty, certainly.

14 Q. And I don't even remember, Mr. Garner, when you
15 ceased being an employee. When was it?

16 A. When I ceased being able to provide a living
17 for myself at that company.

18 Q. When was that?

19 A. That was at the end of March of this year.

20 Q. I see.

21 A. And at that time I elected to make a career
22 change.

23 Q. When were you contacted about the possibility
24 of giving an affidavit in this matter? Declaration is
25 the technical word for it.

1 A. I was contacted in early April by Williamson if
2 I would be willing to talk with one of their attorneys,
3 and that's -- at that point there was, as I recall, no
4 discussion of a declaration. We just had a --

5 Q. You -- you say you left at the end of March, or
6 as far as you were concerned, you were terminated or
7 needed --

8 A. I wasn't terminated. I gave a resignation --

9 Q. Okay.

10 A. -- if you want to be specific.

11 Q. I don't know what the right word for it is
12 myself. Anyway --

13 A. Resignation works real well for me.

14 Q. Okay. Resignation --

15 A. Yes, sir.

16 Q. -- was at the end of March?

17 A. Yes, sir.

18 Q. Does that mean the last day in March? Did you
19 have a specific date to it?

20 A. I believe it was the last day if that was the
21 end of that particular pay period. I believe it was the
22 31st of March.

23 Q. How do you -- how did they find out that you
24 might be available to give some kind of declaration or
25 to meet with the lawyer?

1 A. I had contacted Williamson as a potential
2 client for the products that my present employer sells.
3 They represented an opportunity for me to perhaps sell
4 them some equipment. And in the course of this, I made
5 arrangements for a meeting with Bill, and he asked me if
6 I would be willing to sit for a few minutes with their
7 lawyers. And that was done after I left Printing
8 Research as an employee.

9 Q. I understand. By the way, how has the sales
10 worked out with Williamson? Have you been successful?

11 A. No, sir, I haven't been successful.

12 Q. Are you still trying?

13 A. Well, these are long-cycle items, and
14 typically -- I'm not making any excuses. Maybe I'm just
15 not a good enough salesman, but I haven't sold anything
16 yet.

17 Q. By long-cycle items, you mean they're something
18 like big presses or what?

19 A. Well, the timetable on implementing some of
20 these auxiliary equipments is not something that they
21 make a decision on without doing other things.
22 Typically, the cycle time from the meeting to the
23 proposal to the evaluation to the close can be months or
24 even years in some cases.

25 Q. Could you give me an example of what you mean

1 by "auxiliary items" in the context that you now work?

2 A. The press manufacturers typically manufacture a
3 machine that conveys paper through a press and puts ink
4 on it. There are many products that enhance that
5 process that are furnished by companies like Printing
6 Research and others that are called auxiliary equipment
7 or accessories, and they're added on to the press. The
8 press manufacturer doesn't -- doesn't manufacture those
9 items, and so they're obtained from third parties.

10 Q. And you expected that to be a long-term effort;
11 is that true?

12 A. Typically, it can be. It's -- yeah. You
13 expect the best and plan for the worst or whatever. But
14 at least you hope the cycle time is shorter, but you try
15 to load the pipeline. That's -- that's just the nature
16 of the business.

17 Q. Is Williamson one of your potential customers,
18 as far as you're concerned?

19 A. As far as I'm concerned, yes. I mean, I would
20 like to have Williamson as a client. Absolutely.

21 Q. Did you see the lawyer more than once?

22 A. Yes. Uh-huh.

23 Q. What -- what was the name of the lawyer?

24 A. Robert Falk.

25 Q. How many times did you see him?

1 A. I think I've seen Robert -- Bob, as we actually
2 call him -- three times perhaps.

3 Q. Over at where?

4 A. Three times -- three times, as I recall.

5 Q. Where did you see him?

6 A. Where?

7 Q. Yes.

8 A. I saw him once at Williamson. And then we,
9 when we were discussing this document here (indicating),
10 questioning and all, we met at a restaurant someplace.
11 We didn't meet in his office.

12 Q. Did he have any kind of draft with him when you
13 met with him at the restaurant?

14 A. At some point there was a draft.

15 Q. Is it a draft you brought him?

16 A. It was a draft -- no, I didn't bring him the
17 draft.

18 Q. He brought you a draft?

19 A. Yeah. Based on, I suspect, questions that he'd
20 ask me and answers that I'd give him, it was a draft,
21 certainly. This wasn't the finished document.

22 Q. Well, you saw him three times, you say,
23 altogether?

24 A. If I recall.

25 Q. Well, what was the third time? Was that after

1 the document that he brought you to look at had been
2 corrected by you?

3 A. Yes, sir. Uh-huh.

4 Q. And then that third time you signed it?

5 A. No. The third time we met he asked, Is
6 there -- is there something on this that you would like
7 to change? Is there anything on here that you would
8 like to change?

9 Q. What did you say?

10 A. I said no.

11 Q. And then did you sign it?

12 A. It was already signed at that point.

13 Q. Well, when did it get signed? I'm confused.

14 A. After the second meeting. I'm not sure that
15 that was -- that was in -- that was in April.

16 Q. As a matter of fact, you had all those meetings
17 within about six days, didn't you?

18 A. Not all of them, no, sir. The last --

19 Q. All but one?

20 A. Yeah. The last one was -- was more recent.

21 And he asked, Is this -- does this still state your
22 position? Is there anything you want to change? And I
23 thought that was admirable.

24 Q. So you talked to Mr. Davis and then talked to
25 Mr. Falk twice and signed the instrument on April the

1 6th, six days after you left -- resigned -- resigned
2 from the company?

3 A. (Witness nods.)

4 Q. I just want to be factual. Is that true?

5 A. That's -- yes, that's the fact.

6 MR. HARRIS: I have a note that there's
7 only five minutes that was left on the videotape, and
8 that was six minutes ago, I think. So let's recess for
9 a moment.

10 THE VIDEOGRAPHER: We're going off the
11 video record at 1:55 p.m., the end of Tape 1.

12 (Recess taken)

13 (Mr. Sweeney and Mr. Watson left
14 deposition proceedings)

15 THE VIDEOGRAPHER: Going on the video
16 record, beginning of Tape 2, at 2:02 p.m.

17 Q. (By Mr. Harris) Where did the terminology
18 "short arm" come from?

19 A. I don't recall specifically. It's just the
20 words to describe the difference between the long
21 cantilevered arm and the short cantilevered arm. That's
22 just the -- simply a --

23 Q. Doesn't the short-arm modification have some
24 advantage?

25 A. It's strictly a matter of press geometry. The

1 unit that the short-arm device fits on is a shorter
2 press unit, and so it just requires a shorter mechanical
3 apparatus. It's the --

4 Q. So if one -- if one began to make a shorter
5 one, a short arm here, as it says, it would be because
6 of the configuration and mentions or whatnot of the
7 WPC unit?

8 A. Of the particular press unit that it would be
9 adapted to. Yes, sir.

10 Q. And this particular unit we're talking about
11 was not of the Ferris wheel design, was it?

12 A. I'm sorry. Which unit?

13 Q. At the end of your Paragraph 6. That's where
14 I'm referring to. I'm sorry. I should have said so.

15 A. Yes. That would be -- that would be a Ferris
16 wheel.

17 Q. Now, can you tell me why such a switch was
18 made?

19 A. From a rack-back to a Ferris wheel? Is that
20 what you're asking? I'm not --

21 Q. No, no. When Rendleman began a short-arm
22 modification.

23 A. It had to do with the fact that Williamson
24 wanted to put it on a coater unit, and that required a
25 short -- that required a short-arm modification.

1 Q. Did Williamson order one of these units?

2 MR. PINKERTON: Objection to one of these
3 units. What are we talking about?

4 MR. HARRIS: Short-arm unit, as stated
5 in --

6 MR. PINKERTON: Short arm?

7 MR. HARRIS: -- the last paragraph -- I'm
8 sorry -- the last sentence of Paragraph 6.

9 A. Yes. They did subsequently order one. Yes.

10 Q. (By Mr. Harris) I mean, that's after the fact
11 when you say "subsequently"? As opposed to prior,
12 subsequently?

13 A. Prior to their placing a purchase order,
14 Rendleman had begun the design. Is that what you're
15 asking me because --

16 Q. Yes.

17 A. -- that was the sequence.

18 Q. Do you know how such a sequence would occur
19 without a firm order?

20 A. I know several ways that it could occur.
21 Mr. DeMoore would have been the person that would have
22 made the decision to start the design without having an
23 order in-house simply because we felt like there may
24 have been some opportunity to -- that this was worth the
25 investment. I don't know. I mean, that's -- you make

1 those decisions sometimes. I asked my present company
2 to do the same thing recently. It's just something that
3 you make a judgment on.

4 Q. Are you telling me you develop equipment for
5 the purpose of making it available for certain projected
6 possible sales and uses?

7 A. Yes.

8 MR. PINKERTON: Objection. Leading.

9 Q. (By Mr. Harris) Well, is that true, however?

10 A. Yeah. It's true in industry in general, I
11 think.

12 Q. Was that also done on the Ferris wheel unit?

13 A. I thought we were -- this was the Ferris wheel
14 unit.

15 Q. I don't know. Let's look at it.

16 MR. PINKERTON: He's already testified it
17 was the Ferris wheel unit, the short arm.

18 A. That's the only thing -- that's the only thing
19 that existed. That's -- that was --

20 Q. (By Mr. Harris) What was the only thing that
21 existed?

22 A. The Ferris wheel design for this particular
23 application, as far as I know, is the only thing that
24 ever existed. It was never configured in any other way.

25 Q. So you're saying that the Ferris wheel design

1 was done without an order; is that correct?

2 A. Yes.

3 Q. And it was done from the abilities and the work
4 of people at PRI?

5 MR. PINKERTON: Objection. Leading.

6 A. The only one I'm aware of was done by Ron
7 Rendleman at PRI.

8 Q. (By Mr. Harris) And are you aware of any
9 directions of any sort that Mr. Rendleman got from
10 outside companies or people, outside people, on how to
11 do it?

12 A. I'm not aware of any. No, sir.

13 MR. HARRIS: Excuse me just a minute
14 more.

15 Q. (By Mr. Harris) In both Paragraph 7 and 8 of
16 your declaration, you make reference to the date
17 March 20, 1995. Do you see that?

18 A. Yes.

19 (Mr. Watson entered deposition
20 proceedings)

21 Q. (By Mr. Harris) Do those two March 20 dates in
22 some way relate to each other?

23 A. I'm afraid I don't follow.

24 Q. You stated in 7 that you did not know until
25 March 20th, 1995, when you saw some tests run; then you

1 go on with a sentence. And then in 8 you say, On or
2 about March 20th, 1995, I saw some tests run, and so
3 on.

4 A. That's the same.

5 Q. Is that the same date --

6 A. The same test, the same date. Yes, sir.

7 Q. Where did you get the date from?

8 (Mr. Douglas and Mr. Rendleman left
9 deposition proceedings)

10 A. As I recall, that's the date that -- backing up
11 into our installation at Williamson -- that they first
12 actually ran the unit. And I looked into this,
13 obviously, when I was at Printing Research; and I recall
14 that as being the date when we did the first -- first
15 runs there, as best I can recollect.

16 Sometimes particular dates stand out in
17 your mind and sometimes -- but this one was -- it was --
18 I felt it was somewhat significant and --

19 Q. (By Mr. Harris) How new is the Heidelberg
20 press at WPC, looking at Paragraph 8?

21 A. That was a brand new press. That press had
22 been installed. We had also installed our dryers on
23 that press.

24 Q. Uh-huh.

25 A. It had been started up, which is typical, and

1 signed off by the customer. And then we shortly
2 thereafter did the installation of the auxiliary
3 equipment.

4 Q. When do you think the press was made ready?

5 A. You mean initially or when was it -- when did
6 it start printing initially?

7 Q. Yeah.

8 A. I don't know the exact date that press was
9 delivered, but it was late '94, some -- sometime toward
10 the end of '94. I don't remember the exact date. It
11 was the first press that was delivered out of an order
12 of five and -- but I don't remember the exact date. But
13 it was a new press.

14 Q. In Paragraph 8, there, you say, "simulating the
15 new process of WPC." What do you mean in that case by
16 the simulation?

17 A. The gold was ran first, and then the sheet was
18 put back through the press to put the litho on it.

19 Q. It was a double pass?

20 A. Yes, sir.

21 Q. Why was that?

22 A. Well, there was no way to do it as single
23 pass. The coater was at the end of the press. That was
24 the only way that it could be accomplished at that
25 point.

1 Q. Why was it mounted at the end?

2 A. I can't answer that. That was Williamson's
3 decision.

4 Q. That was what?

5 A. That was Williamson's decision, as I recall.

6 Q. He could have mounted it at the front?

7 A. Yeah. The objective was to move it, to go to
8 the front of the press ultimately.

9 (Mr. Sweeney and Mr. Rendleman entered
10 deposition proceedings)

11 Q. (By Mr. Harris) Could he have done that then?

12 A. Had we had a design.

13 Q. You mean what was available wasn't satisfactory
14 for that purpose?

15 A. At that point we didn't have a design for the
16 print unit completed, as I recall. And this was done in
17 order to get some of these things printed up for the --
18 for the DRUPA, which was in May. So it was -- I suspect
19 it was a matter of expediency, although that was their
20 decision. That was the quickest way to get one on, as I
21 recall.

22 Q. You made reference to this in your immediate
23 prior statement and put your hands on Exhibit 2?

24 A. Yeah. These were -- these were produced with
25 that process, as I recall, for a handout at the DRUPA

1 show.

2 MR. PINKERTON: Those are just the
3 inserts, Bill, to the brochure, which is Exhibit 2, is
4 what he's referring to?

5 MR. HARRIS: The inserts are part of an
6 exhibit, I hope.

7 MR. PINKERTON: Yeah. But, I mean,
8 distinguishable from the outside of the brochure.

9 MR. HARRIS: I think that's what it means.

10 THE WITNESS: Yeah. That was -- there's
11 no --

12 MR. PINKERTON: I'm just trying -- I'm
13 sorry.

14 MR. HARRIS: I'm not having any problem
15 with what you're doing.

16 MR. PINKERTON: I'm just trying to
17 describing it for the record.

18 THE WITNESS: No. It was the --

19 MR. HARRIS: As much time as I'm taking, I
20 think it's fair for you to take a little.

21 MR. PINKERTON: Thank you. That's all I
22 need.

23 MR. HARRIS: What a disappointment.

24 MR. PINKERTON: There will be more.

25 Q. (By Mr. Harris) Mr. -- I represent to you

1 merely what I've been told by Mr. Rendleman, who after a
2 great deal of thought, tells me that in his design work
3 and leading toward construction that the coater that was
4 involved in the Paragraph 8 and 9 situation you
5 described was just barely started with part sketches --
6 or a single one, I believe -- a few days before that --
7 actually, almost a month before it, I believe?

8 A. Are we talking about the short arm? Is that
9 what you're alluding to?

10 Q. The one that you're talking about in 8 and 9.

11 A. Right. Yes, sir.

12 Q.. Yeah. That's -- that's what he says. And he
13 says that -- taking that to be true for the moment, and
14 if that isn't true, well, then, you know, we'll have to
15 make revisions. But taking that to be true, he says
16 that he believes you would know that it would be at
17 least a couple of months or more before there could be a
18 finished unit, if that's true.

19 A. Well, that would be -- I mean, by the time you
20 design, detail, and fabricate, that's not an
21 unreasonable amount of time to assume. I mean, that's
22 accelerated even.

23 Q. So if that's true, is it true that your dates
24 are probably off?

25 MR. PINKERTON: And what dates are you

1 talking about, Bill?

2 MR. HARRIS: His dates of March the 20th
3 in both 8 and 9.

4 A. I don't think so. I mean, it could be, but I
5 don't think so.

6 Q. (By Mr. Harris) Now, you don't think so
7 because you think he's wrong, or you don't think so
8 because you think the premise is wrong on how long it
9 would take?

10 A. I think that we did a remarkable job of
11 designing and building parts and having them installed
12 by March 20th to run, and that's my recollection and --

13 Q. So from the start, you think that one month
14 would be not unreasonable?

15 A. No, I didn't say that, Bill. Rendleman started
16 designing this in December, as evidenced by drawings
17 that I've seen many times and you have too. We started
18 fabricating some parts. I don't know exactly when, but
19 certainly shortly thereafter. And March is more than
20 one month.

21 I mean, it took a great effort to get the
22 parts put together, and that was not a finished design.
23 It was a prototype design. It was -- had manual
24 actuation. The Ferris wheel was manually operated. It
25 was -- but I feel comfortable that that's the time

1 frame, within the limits of my recollection.

2 Q. Is it not possible that a different coater than
3 the one you reference was installed for those tests?
4 That's what happened, isn't it?

5 MR. PINKERTON: I'm going to object to
6 that question as leading and argumentative.

7 A. Yeah.

8 Q. (By Mr. Harris) Well, think about it for me.

9 A. I don't have to think about it.

10 Q. You're sure?

11 A. Well, I don't know of any -- I know of one
12 coater at that particular time. I know of one. If
13 there was another one, I'm not aware of it. There was
14 another one being worked on, but it was for a printing
15 unit. And it wasn't as far along as this.

16 I don't -- now, he may have taken some of
17 the ideas from that one and shifted them to this one.
18 I'm not sure what his sequence of events were, but that
19 wasn't my area there. I just knew that he was working
20 on getting one built for the -- for the coater unit.

21 Q. Well, let me come back to this. I'm not
22 extremely skilled in this art, and I think I probably
23 ought to talk to some of the people. And after the next
24 break, maybe I'll come back to it.

25 A. Well, that's fine.

1 Q. Maybe I'll know more or maybe I'll decide that
2 it isn't worth pursuing it. We'll see.

3 A. Well, there were two coaters being built and
4 designed during this period of time, but one of them was
5 for the first unit of our press. But I'm not sure what
6 the sequence was. But this particular coater, this
7 short-arm device, to my recollection, was the only one
8 that existed in the time that we're talking about to
9 have it installed in that period of time in order to get
10 some things for DRUPA.

11 Now, what they did in terms of rearranging
12 their production schedule, I don't know; but there was
13 certainly not two coaters sitting on the floor at that
14 particular time.

15 (Mr. Douglas entered deposition
16 proceedings)

17 Q. (By Mr. Harris) Did you follow this
18 development of the coaters?

19 A. Reasonably closely, uh-huh.

20 Q. And what does that mean? How closely?

21 A. Well, I wanted to know how it was going because
22 I was responsible for the commercial activity of the
23 company, and it was certainly something that I felt that
24 we needed to make available to the market if we possibly
25 could. So I was interested from a commercial point of

1 view.

2 I have some technical interest in it too,
3 but the main thing is that I wanted to see if we could
4 get the thing to a point where it could be a product.

5 (Mr. Sweeney, Mr. Watson, and
6 Mr. Rendleman left deposition proceedings)

7 Q. (By Mr. Harris) Does the WIMS, as you put it
8 in 9, WIMS '976 process, does it have a flexographic
9 step?

10 A. No, sir, not as I understand it within the
11 limits of my understanding.

12 Q. How do you --

13 A. I don't know that it excludes flexography, but
14 I don't think it specifically mentions it.

15 Q. How do you relate that, sir, to a flexographic
16 step at WPC?

17 MR. PINKERTON: Are you specifically
18 referring to a sentence in the declaration?

19 MR. HARRIS: Yes, I am.

20 MR. PINKERTON: Okay. I think it's fair
21 to the witness that we point out what sentence we're
22 talking about here. And I'll object to the --

23 MR. HARRIS: Well, the witness made this
24 affidavit or this declaration.

25 MR. PINKERTON: I want to object to the.

1 question if you're asking him about a sentence in the
2 declaration without pointing -- pointing his attention
3 to the sentence. Otherwise, the question you asked is
4 objectionable as to form and vague and ambiguous, and
5 nobody knows what you're talking about.

6 MR. HARRIS: I'm certain I know what I'm
7 talking about.

8 MR. PINKERTON: I'm certain you probably
9 do; but the witness doesn't, I don't think, without
10 referring him to the document.

11 Q. (By Mr. Harris) Do you need to see the
12 document in order to know the relation between what I
13 asked? Do you think you're able to answer the question?

14 A. As the best I understand it, if I understand
15 what you're asking, the WIMS process had to do with
16 integrating metallic into the process. And to say that
17 it's lithographic metallic in the original WIMS is
18 indeed correct. To say that it's another type of
19 metallic that could be integrated is not a -- not a leap
20 of faith for me. I mean, it wasn't --

21 Q. Sir, are you talking about another type of
22 metallic that could be integrated, or are you talking
23 about another way to integrate it?

24 A. The metallics are the same pigments. The way
25 that they're carried is in a different medium, and you

1 have to apply them by a different means.

2 Q. That becomes the flexographic step?

3 A. Yes, sir.

4 Q. In place of what was in the original WIMS?

5 A. As a lithographic -- and I don't know that the
6 original WIMS wouldn't embrace that, but I'm not --
7 that's not my -- I'm not here to interpret that.

8 Q. Have you -- have you studied the WIMS patent
9 carefully?

10 A. As I said, it's written a little bit above
11 my -- the scope of my understanding. I understand
12 generally what it is.

13 (Mr. Sweeney, Mr. Watson, and
14 Mr. Rendleman entered deposition
15 proceedings)

16 Q. (By Mr. Harris) Where did you get the
17 terminology "WIMS '976" in Paragraph 9?

18 A. Well, I think that's the last three digits of
19 the WIMS patent, if I'm not mistaken. And isn't that
20 common to sometimes identify things by the last three?
21 We -- that's the way we did it at Printing Research.

22 Q. That's, as far as I know, quite common.

23 A. Well, that's probably why I did it.

24 Q. But it usually has some front numbers. How
25 many? Do you know?

1 A. No, sir, I don't.

2 Q. How many numbers in a patent?

3 A. I don't know that. It's mentioned here.

4 MR. PINKERTON: Do we need to get --

5 A. Is that a trick question?

6 Q. (By Mr. Harris) No. I think it's -- I think
7 it's a question to kind of get a feel for what you know
8 about the patent.

9 A. Well, I know that it's mentioned in Paragraph 4
10 by all of its, you know, seven digits, and there's
11 parentheses --

12 Q. How did it get mentioned there? I guess that's
13 what I'm coming to.

14 A. How did it get mentioned?

15 Q. Yeah. Is that Mr. Falk's insert?

16 A. I'm sure he's aware of that patent number, and
17 he probably put it down there. But I concurred that
18 that's the patent as it's described in this -- as it's
19 described on this document right here (indicating).

20 MR. PINKERTON: For the record, that's one
21 of the inserts to --

22 THE WITNESS: That's -- yeah.

23 MR. PINKERTON: Is it 2?

24 THE WITNESS: That's not the printed
25 insert. That's the written description in laymen's

1 terms, I guess you can say, of the WIMS process. And on
2 the back of it, it makes note of the patent number.

3 MR. PINKERTON: Indeed it --

4 MR. HARRIS: Mr. Pinkerton, if you want to
5 subnumber --

6 MR. PINKERTON: No.

7 MR. HARRIS: -- these various things, you
8 can.

9 MR. PINKERTON: Indeed it does. It
10 just -- it shows it there.

11 A. I was aware of this patent number for some time
12 because each time that I would make a proposal for the
13 equipment, I would be very diligent in letting any of
14 our, PRI's, clients know that this patent existed just
15 as a matter of -- that that's just good business.

16 Q. (By Mr. Harris) That's probably the case.
17 Mr. Pinkerton, though, is helpful, though, isn't he?

18 MR. PINKERTON: Bill, you don't need any
19 help at all.

20 Q. (By Mr. Harris) Going to Paragraph 9, the very
21 last line -- and by the way, you do have your
22 declaration in front of you, don't you?

23 A. Yes, sir.

24 Q. And when Mr. Pinkerton was complaining about
25 you not having your declaration, more or less, you did

1 have it there, didn't you? You had the declaration
2 available, didn't you?

3 A. When are we talking about?

4 Q. Oh, a little bit earlier in the testimony.

5 A. Well, the declaration has been here on the
6 table ever since we began, if I'm not mistaken.

7 Q. And you've had it available all the time,
8 haven't you?

9 A. Yes, sir. That's true.

10 MR. PINKERTON: For the record, I
11 certainly didn't complain about him not having the
12 declaration in front of him. I complained about and
13 objected to you asking a question that, to me, appeared
14 to be confusing without pointing to a specific --
15 specific sentence in the declaration that you were
16 inquiring about.

17 MR. HARRIS: That's probably true.

18 Q. (By Mr. Harris) But you had the declaration
19 there all the time, and it's your declaration. That's
20 true, isn't it?

21 A. Yes, that's true.

22 Q. Looking at the last line of Paragraph 9, "This,
23 of course, could only be demonstrated as multiple passes
24 since PRI had only a two-color press." And that's a
25 fact, isn't it?

1 A. Yeah. That -- the press -- the demonstration
2 press was a two-color press.

3 Q. Referring to what you identify as the
4 after-DRUPA '95 activities in the next to the last
5 line --

6 A. Right. I see that.

7 Q. -- what -- what was done by PRI was to run it
8 through one time, and then run it through again -- first
9 flex and then run it through the press with a
10 lithographic --

11 A. Yes, sir.

12 Q. -- effect or manner?

13 A. Correct.

14 Q. And that was what was done actually up in
15 Paragraph 8, that same basic thing, by WPC in accordance
16 with your declaration, wasn't it?

17 A. Yes, sir. Initially that was what they did
18 because it was at the end of the press.

19 Q. So --

20 A. A double pass.

21 Q. So though you're showing different times, they
22 were doing the same thing, right?

23 A. I'm sorry?

24 Q. You're showing different times of events? In
25 Paragraph 8 you're showing March the 20th, on or about;

1 and in 9 you're showing, apparently, after May the 5th,
2 right?

3 A. Yeah. But that's in two different places. We
4 were demonstrating -- we did some demonstrations in our
5 facility after DRUPA.

6 Q. That is what I'm talking about.

7 A. Right. And that's -- yeah -- that's --

8 Q. And so PRI did the same type of demonstration
9 that was done a bit earlier, in accordance with your
10 memory?

11 A. Yes, sir.

12 Q. Did the same type of demonstration that was
13 done by Williamson under 8, Paragraph 8?

14 A. I don't know that we did a WIMS process. We
15 did put flexo down and overprint it. I don't know that
16 we did any integrated metallics. That's -- there's a
17 distinction between those. We may have.

18 Q. How do you know that WIMS was practiced?

19 A. How do I know?

20 Q. Yes.

21 A. Well, what time frame are you talking about?
22 What --

23 Q. Well, on the 8th -- Paragraph 8 -- I'm sorry --
24 you say it was March the 20th.

25 A. Well, whenever it was, that's what they did.

1 And if -- that's a pretty good demonstration of the
2 process as I --

3 Q. How do you know that was done by the WIMS
4 process? I know there's a brochure in there. How can
5 you tell?

6 A. The metallic is integrated into the process
7 color. And that's -- Williamson Integrated Metallic
8 System is what WIMS means, and this metallic is
9 integrated into the process.

10 Q. Okay.

11 A. That demonstrates, to me, WIMS. Maybe I'm --
12 maybe I'm missing something on this one.

13 Q. As opposed to the notion of merely doing a
14 first flexographic step followed by in-line one-pass
15 contacts with the lithographic steps?

16 A. You can still -- you can do the WIMS in -- by
17 running them through one at a time.

18 Q. Well, if we subtract the WIMS, which is
19 indifferent than what I just said -- if we subtract the
20 WIMS, what was done in Paragraph 8 and what was done in
21 Paragraph 9 are parallel or substantially the same?

22 A. They are substantially the same in terms of the
23 application of flexo to demonstrate first down flexo;
24 but as I recall, we didn't have any separations. We
25 didn't have the ability at Printing Research to do the

1 WIMS process in our facility.

2 Q. Sir, haven't I tried as hard as I could to take
3 the WIMS out of the question?

4 A. Well, I'm not sure --

5 Q. I want to tell you --

6 A. -- because I'm still having trouble with it.

7 Q. -- I'm trying as hard as I can --

8 A. Well, I'm trying as hard --

9 Q. -- to take the WIMS out of the question.

10 A. I'm trying as hard as I can to understand.

11 Q. Now, take the WIMS out of the question. And
12 the question I asked you is a flexographic step first,
13 followed by lithographic steps in line, one pass, and no
14 WIMS. What's done in 8 and 9 -- are they substantially
15 the same thing, then, if that's true?

16 A. Those are both two-pass, and they're
17 substantially the same from a -- you know, from an
18 application.

19 Q. I apologize for the misunderstanding.

20 A. Well, I'm still -- I hope I've answered but --

21 Q. Well, if you do the best you --

22 A. There were --

23 Q. If you do the best you can --

24 A. That's the best I can --

25 Q. -- that's all you can do. And if I do the best

1 that I can, that's all I can do.

2 A. They're both two-pass operations with -- with
3 the idea of putting flexo down first. But that was not
4 possible, so it had to be done as two-pass. I think
5 semi-leading is what we used before, which is --

6 Q. Referring to Paragraph 10, could you give me a
7 general explanation of what was going on concerning
8 Buchanan Lithographics?

9 A. The only thing that Buchanan at that point had
10 done for Printing Research was produce brochures for
11 DRUPA that would describe generally the apparatus.

12 Q. And was that done?

13 A. Yes, sir.

14 Q. And such apparatus brochures were distributed?

15 A. Yes, sir.

16 Q. And did they pretty much show the process in
17 that they showed interstage mounting?

18 MR. PINKERTON: Objection to the form of
19 the question.

20 A. They were --

21 MR. PINKERTON: What do you mean by
22 "pretty much show"? Objection as to --

23 MR. HARRIS: Well, take out "pretty
24 much." I'll go with "show."

25 A. I don't have one of the brochures here.

1 Q. (By Mr. Harris) Okay. Well, then, don't --

2 A. It was an attempt to describe the ability to
3 place a coater unit at an interstation position.

4 Q. As opposed to at the end?

5 A. Yeah, because that was already -- people
6 already did that.

7 Q. This oral commitment to purchase at least one
8 interstation that's referred to in Paragraph 10 --

9 A. Yes, sir.

10 Q. -- by Williamson, am I to understand that there
11 wasn't any firm commitment on it either prior to that
12 time?

13 A. There was no purchase order on the unit for --
14 to go on a print station at that time. There was the
15 oral commitments, I guess you can -- discussions.

16 Q. Do you know that there was an oral commitment?

17 A. Well, I think I heard that in my presence.

18 Q. From who?

19 A. It would be from Jesse. Bill would probably
20 have been in presence.

21 Q. How much were they going to pay for it?

22 A. The first one was no charge. The second one
23 was half price or something to that effect. I'm not
24 sure. And those -- that's essentially what -- what the
25 arrangement was.

1 Q. Really the first one was for free?

2 A. I don't know if "free" is the term. I mean,
3 there was an investment on both sides in time and energy
4 and effort and developing, but there was no -- there was
5 no funds exchanged, as I recall. That doesn't mean --

6 Q. No paperwork?

7 A. Yeah. That doesn't mean it was free. That
8 means that maybe there was value received through some
9 other means.

10 Q. But you don't know what that is at this moment?

11 A. Well, I know that there was knowledge
12 received. I mean, that's sometimes as valuable.
13 Sometimes --

14 Q. So what was received?

15 A. Knowledge.

16 Q. I see here that the commitment was oral in
17 February '95. That's what we're talking about, right?

18 A. Right. For the print unit model, the long-arm
19 model or whatever we're calling it. I've lost my place
20 here. Is that Paragraph 10?

21 Q. Uh-huh.

22 A. Yes, sir.

23 Q. February -- I don't have 10.

24 A. No, no.

25 MR. PINKERTON: Paragraph 10.

1 A. Paragraph 10. Yes, sir.

2 Q. (By Mr. Harris) Paragraph 10?

3 A. Yeah. The -- that was a -- yeah. That was the
4 oral agreement to fit one to a print unit, which at that
5 point didn't exist.

6 Q. But prior to that time, is it your belief that
7 Mr. Rendleman had already started the design?

8 A. For the print unit? Yes, sir, I believe he
9 did.

10 Q. As far back as December, at least?

11 A. I would suspect.

12 Q. Well, you wouldn't suspect. You believe it,
13 don't you?

14 A. Well, that was -- the intent was to put one on
15 the print unit.

16 Q. But you didn't even have an oral commitment
17 then, did you?

18 A. That was Mr. DeMoore's decision to proceed
19 without having a commitment.

20 Q. I don't think it needs an excuse. I just
21 wonder if it's true that the company didn't have --

22 A. We didn't have a --

23 Q. -- even an oral commitment.

24 A. To my knowledge, unless there was some
25 discussions that I wasn't party to. I don't know what

1 was --

2 Q. Take a look at your -- whether it's right or
3 whether it's wrong -- if it's wrong, tell me so. Take a
4 look at your declaration. It says, "which was currently
5 in design with the short-arm, cantilevered device, PRI
6 obtained, as I recall, a firm commitment to go ahead
7 with the construction of the device in May 1995."

8 Does that still sound all right to you?

9 A. For the print unit model, I think that's --

10 Q. Now, what do you mean by the print unit? Let
11 me be sure I understand. I don't see that language in
12 here.

13 A. That's the long-arm device, which would -- as
14 opposed to the short arm.

15 Q. Uh-huh.

16 A. We also called it an interstation because it
17 went between two print units.

18 Q. I understand.

19 A. And that's -- that's the distinction.

20 Q. So it is, though, fair to say that for a couple
21 of months, anyway, even before an oral commitment, that
22 there was work on a print unit, as you called it?

23 A. Yes.

24 MR. PINKERTON: Objection. Leading and
25 asked and answered.

1 A. Yes. There was work being done on a print
2 unit. It was being designed for our press in our -- in
3 our R&D facility.

4 Q. (By Mr. Harris) Well, hadn't it been requested
5 by Williamson that you do that?

6 A. At some point Williamson did, but this was
7 preceding -- this was preceding any --

8 Q. Preceding?

9 A. We were proceeding to fit one onto the first
10 unit of our two-color press.

11 Q. Apart from what Williamson might or might not
12 do?

13 A. Well, we didn't have a purchase order for it.
14 If they had --

15 Q. Well, you didn't even, as far as you know, have
16 an oral commitment for it, did you?

17 A. Probably we had an understanding, if you want
18 to be vague.

19 Q. Would it have been better to say that while we
20 didn't have an oral commitment in my declaration, I
21 meant to say that we might have had an understanding?

22 MR. PINKERTON: Objection. Leading, form
23 of the question.

24 Q. (By Mr. Harris) Is your declaration right or
25 wrong on this point?

1 A. My declaration is correct.

2 Q. Okay.

3 A. There may be some other factors that are not
4 spelled out there, but that certainly is correct as it's
5 stated there.

6 Q. I think you better spell them out now, if you
7 would, please.

8 A. We had an understanding, in my estimation, with
9 Williamson that we would proceed jointly with certain
10 aspects of this process or this product or this --

11 Q. Did you think it was a joint development?

12 MR. PINKERTON: Objection. Leading.
13 Object to the form of the question.

14 A. I think that we were working toward that end,
15 in my opinion.

16 Q. (By Mr. Harris) Were they -- Williamson
17 people -- were any of them making contributions to
18 Mr. Rendleman's work?

19 A. I'm not aware if they were or not. I just
20 don't know. I know Ron made a number of trips over
21 there. What his dialogue was with the Williamson
22 people, I don't -- I don't really know.

23 Q. Is it true, as we go to the next page now, on
24 this Paragraph 10, that the normal gestation time to
25 make such a device would be 90 to 110 days?

1 A. Is that correct, you're asking me?

2 Q. Yes.

3 A. Well, if you're looking at a piece of equipment
4 that has this much engineering and manufacturing, it's
5 not unusual for it to take that amount of time or more.
6 It depends on, sometimes, how much priority you put on
7 it. And, you know, it's a new design. It takes time.

8 Q. Well, looking at that remark, does that still
9 line up in your mind with the May the 20th date that you
10 gave in Paragraphs 8 and 9 -- I'm sorry -- March the
11 20th date, Paragraphs 7 and 8?

12 A. That doesn't have anything to do with the piece
13 of equipment in those other paragraphs. This -- this is
14 talking about the interstation design. This over here
15 was the one that we put at the end of the press.
16 They're two different --

17 Q. The one, as you said, over here -- we put over
18 here, that one was not adapted for interstation design
19 at all, was it?

20 A. The one -- the paragraph -- Paragraph 8 and 9
21 was not designed as an interstation. There were very
22 many common parts, but it was designed to fit at the end
23 of the press on a -- on a coater on a short arm.

24 Q. When did the design start on it?

25 A. On the short-arm device?

1 Q. Yeah.

2 A. Ron was working on that one -- I don't know if
3 he was working on it in December, but certainly in
4 January of '95, December of '94, sometime in that time
5 frame. At some point the decision was made to install
6 it on the coater at that -- at that point. You know, he
7 had to design both arms, long and short. The exact
8 date, I don't know. In order to have had it installed
9 at that point, he would have had to have started --

10 Q. I'm looking --

11 A. -- earlier in the year.

12 Q. I'm sorry. Looking at that same paragraph as
13 it bridges over onto the page numbered 4 for the
14 affidavit -- or for the declaration --

15 A. I'm sorry, Bill --

16 Q. -- if you go down --

17 A. -- I don't have page numbers on mine. Which
18 paragraph are you alluding to?

19 Q. Here (indicating). I'm going down five lines
20 right here.

21 I do not recall saying --

22 A. Okay. It's Paragraph 10. Okay.

23 Q. And in that paragraph, would you read it out,
24 that sentence actually, the full sentence.

25 A. Starting where?

1 Q. "I do not recall."

2 A. I'm still -- I'm trying to find it. Oh, down
3 here.

4 I do not recall seeing anything in writing
5 or otherwise at PRI concerning the long-arm proposed
6 interstation device prior to December of 1994 -- no
7 invention records, no memoranda, no notebooks, no
8 E-mails, no designs, no blueprints, no advertisements,
9 no parts.

10 Shall I continue?

11 Q. Right. Do you feel reasonably authoritative on
12 what there was and what there wasn't because you were an
13 employee over that full period of time and because you
14 helped assemble the materials for us to produce in this
15 lawsuit?

16 A. I missed the first part of that. I'm sorry.
17 Again.

18 MR. HARRIS: Would you read that.

19 (Requested text read back)

20 A. Yes, reasonably authoritative, I would say.

21 Q. (By Mr. Harris) Do you still agree with the
22 statement, and I quote right after that, Again, prior to
23 DRUPA in '95 (May 5, '95) all we had was Williamson's
24 commitment to go forward with the interstation design
25 and the short-arm end-of-press device installed at WPC?

1 A. My recollection is that's correct, yes.

2 Q. Now, you had told me that you had a somewhat --
3 well, you've given me a reduction to practice
4 definition, I think, as well as you can, have you not?
5 If you have, I'm not going to ask you to do it again
6 because you make reference to "reduced to practice in
7 this country," just below where we read?

8 A. Right. Yes, sir. My interpretation of that is
9 that the product -- the process would be done in one
10 pass as opposed to two.

11 Q. What makes you select late August or early
12 September?

13 A. That was the best of my recollection that we --
14 when we did the installation of that one. I -- again,
15 I'm not clear on that. I looked that up, you know, when
16 I was at Printing Research, and that's the best I can
17 recollect. It was -- it was in the fall sometime and
18 I -- you know, that's the best of my recollection --
19 maybe later. That could be off by some degree because,
20 again, that's --

21 Q. Somehow late August doesn't strike me in Dallas
22 as fall but --

23 A. Well, I think that may be a little early too.
24 I don't think we actually installed that over there
25 until later; but as I said, my recollection on exactly

1 when it was installed, I just don't -- I don't know. I
2 know it was in the latter part of the year or past
3 midyear or in the fall, somewhere in that area.

4 Q. November has been suggested to me, or early
5 December. Does that surprise you as a possible date?

6 A. I don't think that's unreasonable to think it
7 could have been that late. Again, I just don't recall.
8 I know that it was -- we had a target date that we were
9 shooting for, and I -- because there was a poster, a
10 particular poster, that they wanted to print for -- the
11 Dallas Opera poster, I believe. And I know we missed
12 that target date, but I don't remember what those dates
13 were. I'm sure that they could be recollected
14 somewhere, but I don't have that.

15 Q. In Paragraph 11 the first sentence states, "The
16 Buchanan-printed brochures in late April 1995 for DRUPA
17 were very memorable."

18 Did you have some reason to put that in
19 the declaration?

20 A. It was just that they were -- they were
21 produced in a very tight time frame and that we -- they
22 had to be printed at one place. We came back and added
23 a flexographic step. They had to be done in -- at a
24 particular time in order to arrive at DRUPA. It was
25 just a -- I remember that because they were having to be

1 walked through. They had to be there at DRUPA.

2 We also, as I understand it, had to be
3 careful about the dates that they were presented to the
4 public because of some filings that Howard was
5 endeavoring. That part I'm not totally clear on, but
6 they were memorable for a variety of reasons, only
7 because that was something that we wanted desperately to
8 have at DRUPA.

9 And we had to -- we had to move them from
10 one plant to another and print them. That kind of
11 stands out. I guess that's -- is that memorable?
12 That's memorable to me. It was a fire drill.

13 THE WITNESS: It's okay. Thanks. I'll
14 nurse this one.

15 Q. (By Mr. Harris) By the way, did you attend
16 DRUPA?

17 A. Yes, sir. That particular one, yes.

18 Q. Did Williamson have any kind of an exhibit
19 there?

20 A. I don't recall Williamson having a particular
21 booth there. They were -- these were in the
22 Wolstenholme booth at DRUPA, which is, I think, one of
23 their partners that they use, a supply partner. That's
24 where these were. And Williamson specifically, to my
25 knowledge, didn't have a booth of their own there.

1 Q. Were you ever told at any time by anyone from
2 Williamson that Williamson was seeking to obtain a
3 patent on the flexographic, followed by lithographic,
4 single-pass process?

5 A. I don't recall ever being informed that they
6 were looking for a patent, you know, for that process.

7 Q. Are you particularly well acquainted with
8 Mr. Davis?

9 A. I would say so, yes.

10 Q. And would you have thought Mr. Davis might have
11 mentioned that to you if they were getting a patent on
12 it?

13 MR. PINKERTON: Objection to form.
14 Leading, calls for speculation.

15 A. Yeah. I couldn't speculate on that. He
16 works -- he works for another company. I don't know
17 what -- we have a business relationship.

18 Q. (By Mr. Harris) Did you have any dealings with
19 Hallmark yourself?

20 A. Yes, sir.

21 Q. Did you try to make a sale to Hallmark?

22 A. Yes, sir.

23 Q. Were they interested?

24 A. I believe they were. Yes, sir. We've got an
25 old saying: A sale ain't a sale until you've got the

1 check and the money. So I don't know.

2 Q. What was the proposed price?

3 A. We quoted a coater and a UV, I believe,
4 combined.

5 Q. All right.

6 A. And it was somewhere in the order of \$200,000.
7 I don't recall specifically.

8 Q. Did they have any additional units in mind?

9 A. I can't answer that. I think this was an
10 evaluation, but I just don't know.

11 Q. Were you successful in making the sale?

12 A. No, sir.

13 Q. Do you have any belief as to why you were
14 unable to make the sale?

15 A. To the best of my recollection, they wanted to
16 do some things with the equipment that would involve the
17 patent that was issued subsequently in '97 for the flexo
18 before litho, and they wanted a clarification on that
19 before they proceeded.

20 Q. You're referring to the Williamson patent, are
21 you not?

22 A. Yes, sir.

23 Q. '363?

24 A. Yes, sir.

25 Q. Did you make -- did you make other efforts,

1 follow-up efforts, to make the sale?

2 A. Yeah. We could -- we can say that there was
3 follow-up. The clarification on that particular patent
4 was something that was -- we're still sitting here today
5 waiting to try to get clarification, so --

6 Q. Were you heavily involved in negotiations
7 between Printing Research, Inc., and Williamson that
8 relate to this patent and technology, the '363 patent
9 and technology?

10 A. I wasn't even aware of the '363 patent until
11 after we had -- until the end of '97 or early '98. So I
12 can't say that I was involved in anything specifically
13 on that patent. I was involved to some degree with what
14 we were doing at Williamson during the period of time
15 that these installations were taking place. I wasn't
16 the point man on it, but I was certainly involved with
17 some of those discussions.

18 Q. So if there were drafts going back forth --
19 back and forth of some kind of a settlement or license
20 or relationship concerning this patent and/or process,
21 you weren't involved in them?

22 A. Not as it relates to this patent. No, sir.

23 Q. What I'm talking about would be something
24 certainly that would be after the patent issued. You
25 understand?

1 A. Oh, okay. I -- I did go and have -- and
2 accompany Mr. DeMoore to two meetings in early '98 after
3 this patent -- after we became aware of this patent, to
4 sit with Jesse and Bill. And I think Paul Yarvis was in
5 one of the meetings; and Woody Dixon was in one, if I'm
6 not mistaken.

7 Q. Would you describe what happened in the
8 sequence of meetings, if you can.

9 A. To my recollection, we alluded to the fact that
10 we felt like there might be some participation that
11 Printing Research had involved themselves with in
12 this -- in this apparatus, and we'd like to be able to
13 find a way that we can sell this apparatus without, you
14 know, having to infringe the patent, so to speak, or
15 find some way that we could do business with other
16 customers.

17 Q. Any more to it?

18 A. Those two meetings had to do with what can we
19 do to come to some kind of an agreement where Printing
20 Research can sell the product without becoming an
21 infringer, I guess you -- without infringing this
22 patent.

23 Q. Well, what did you propose, and what did they
24 propose?

25 A. There was some discussions of some royalties.

1 There was never anything firm. Some of the numbers that
2 went back and forth across the table just in general
3 discussion were maybe higher than what a typical
4 equipment royalty might be; but there were general
5 discussions.

6 Q. What would a typical equipment royalty be in
7 the printing auxiliary business?

8 MR. PINKERTON: Object to the form of the
9 question and lack of knowledge.

10 A. I don't have any knowledge specifically of
11 that. It's --

12 MR. HARRIS: I need another recess, this
13 time, I hope, looking toward a rather short follow-up
14 period.

15 MR. PINKERTON: Okay.

16 MR. HARRIS: But, that, I can't be
17 positive of.

18 THE VIDEOGRAPHER: Going off the video
19 record. It's 3:04 p.m., Tape 2.

20 (Recess taken)

21 (Mr. Sweeney and Mr. Rendleman left
22 deposition proceedings)

23 THE VIDEOGRAPHER: Back on the video
24 record at 3:47 p.m.

25 (Discussion between Mr. Harris and

1 Mr. Wilson out of hearing of reporter)

2 MR. HARRIS: I'm sorry. If we get this
3 done right, though, it will be a lot quicker.

4 (Discussion between Mr. Harris and
5 Mr. Wilson out of hearing of reporter)

6 MR. PINKERTON: Are any of those questions
7 any good?

8 MR. HARRIS: No.

9 MR. PINKERTON: I'm glad that's the
10 filtered out pile. You've filtered out a bunch of them,
11 I know.

12 Q. (By Mr. Harris) I've talked to you before
13 about --

14 MR. HARRIS: We're on the record.

15 THE VIDEOGRAPHER: Yes, sir.

16 Q. (By Mr. Harris) I've talked to you before
17 about Paragraph 8, and I think -- this is Paragraph 8 of
18 your declaration. And I think I understood what you had
19 to say.

20 My question simply was -- simply is, to be
21 sure I'm clear: Was that a two-pass operation, one pass
22 being flexo and the other one being lithography, in
23 Paragraph 8?

24 A. Yes, sir.

25 Q. It was two-pass?

1 A. Yes, sir.

2 Q. Okay. And as to the so-called WIMS process in
3 that original patent, the '9 -- what is it?

4 MR. WILSON: '76.

5 MR. HARRIS: '76?

6 Q. (By Mr. Harris) -- the '976, it doesn't deal
7 with single or double passes at all, does it?

8 MR. PINKERTON: Objection. Leading.

9 Q. (By Mr. Harris) Or does it?

10 MR. PINKERTON: Lack of knowledge.

11 Q. (By Mr. Harris) I'll put it -- I'll put it
12 differently then. Does it?

13 MR. PINKERTON: Objection. Leading and
14 lack of knowledge.

15 MR. HARRIS: Well, if he doesn't have the
16 knowledge, that would be interesting.

17 A. As I understand it, it deals with the one pass,
18 integrating metallic with lithographic in one pass with
19 the metallic being put down first because of its
20 opacity.

21 Q. (By Mr. Harris) But no flexographic step?

22 A. Yeah, as I understand it.

23 (Mr. Sweeney entered deposition
24 proceedings)

25 Q. (By Mr. Harris) To the Rendleman Coater, as

1 we've called it --

2 A. Yes, sir.

3 Q. -- referring to it, I ask you the question:
4 Are you aware of anyone at Williamson that made any kind
5 of contribution whatsoever to the Williamson -- I beg
6 your pardon -- to the Rendleman Coater?

7 MR. PINKERTON: Objection to form of the
8 question being vague and indefinite.

9 A. I'm not aware of any.

10 Q. (By Mr. Harris) And the project of building
11 the Rendleman Coater was a project that was thought of
12 and pursued -- well, was that a project that was thought
13 of and pursued by PRI?

14 MR. PINKERTON: Objection. Vague,
15 indefinite. Object to the form of the question.

16 A. The apparatus, to the best of my knowledge, was
17 a product of PRI. Yes.

18 Q. (By Mr. Harris) Did they have a process?
19 "They" being PRI.

20 A. I was not informed of a process. I was not --
21 the apparatus is all that I was involved with.

22 Q. Were you aware that -- I may have asked you
23 before, but were you aware that Bird did not know that a
24 process could be patented?

25 MR. PINKERTON: Objection. It's already

1 been asked.

2 A. I have no knowledge.

3 MR. HARRIS: It has.

4 MR. PINKERTON: Yeah.

5 MR. HARRIS: That's true, I agree.

6 MR. PINKERTON: You're asking him again?

7 MR. HARRIS: Yes.

8 A. I have no knowledge of what Bird's
9 understanding was of processes at all.

10 Q. (By Mr. Harris) Did Bird impart any
11 information to you about a single-pass process with
12 flexo and litho?

13 A. That's, to the best of my recollection, where I
14 first heard about, it was from Bird. Yes.

15 Q. Do you know when?

16 A. It would have been around the time of the
17 Rexham test because that was what precipitated the next
18 discussions. That's when I first became aware.

19 Q. What do you mean by it's what precipitated the
20 next discussion?

21 A. About seeing if Williamson would be a candidate
22 for proving this device.

23 Q. To see if they would be interested in this
24 device and its use in a single-pass process?

25 A. Yes.

1 MR. PINKERTON: Objection to the form of
2 the question, and objection to leading.

3 A. Yeah. The objective would be to see if we
4 could do a single pass.

5 Q. (By Mr. Harris) When Williamson became
6 involved enough with PRI to have some visits or
7 discussions about either the coater or a single-pass
8 process, who was the contact?

9 MR. PINKERTON: Objection -- I'm going to
10 object to the form of the question. Go ahead.

11 MR. HARRIS: What is objectionable about
12 the form of the question?

13 MR. PINKERTON: I don't understand the
14 damn thing.

15 MR. HARRIS: Well, I'm not surprised --

16 MR. PINKERTON: Read it again.

17 MR. HARRIS: -- but I bet the witness
18 can.

19 MR. PINKERTON: Well, let's see if he
20 can. Read it again.

21 Q. (By Mr. Harris) I bet you can.

22 A. Who was the point man relative to PRI's contact
23 with Williamson regarding this --

24 Q. And I was really talking about -- maybe he's
25 right. I was really talking about at Williamson. What

1 Williamson person was the point man, if you will?

2 MR. PINKERTON: Point man in regard to
3 what, at what point in time?

4 MR. HARRIS: At the point in time that you
5 shot down my question.

6 MR. PINKERTON: I didn't get -- that's why
7 I asked to have the question read back again, Bill.

8 A. Are we talking about at the -- at the beginning
9 of our discussions with Williamson, who was the main
10 contact? I think I understand, but I'd like a little
11 bit more clarification.

12 Q. (By Mr. Harris) I believe you testified to me
13 that at some time this here was a joint effort to work
14 with -- to work with the coater and the process.

15 MR. PINKERTON: Objection. Contrary to
16 his testimony.

17 Q. (By Mr. Harris) Is that contrary to your
18 testimony?

19 A. There was a joint effort of some type.

20 Q. Yeah. And when did that joint effort start?

21 A. Well, it was an evolutionary process. I don't
22 know exactly what date you would say this is -- we're
23 moving toward some sort of an understanding, but that
24 was the intention, that we would have some sort of a --

25 Q. Who were the movants that were doing this?

1 A. Most of the contacts that I'm aware of between
2 Printing Research and Williamson had to do with Bill,
3 but Jesse was certainly involved in some of the
4 discussions. And John Bird on the Printing Research
5 side was --

6 Q. Did you say a name when you pointed your
7 finger?

8 A. I'm sorry. Bill Davis. I think I said Bill.

9 Q. He's worth more than a finger point. Let's get
10 him on the record. Mr. Davis, right?

11 A. Yes.

12 Q. And I gather from the way you did it, probably
13 more contacts with Mr. Davis than with Mr. Williamson?

14 A. I think that's a fair statement. Yes.

15 Q. And who were most of the contacts from our
16 side?

17 A. John Bird was the -- I think we defined -- as a
18 point man, that he was, at least during that stage, as I
19 recollect.

20 Q. And as it moved along, that is the -- we won't
21 call it a partnership, I guess, even though I've seen
22 some correspondence that way. As it moved along, what
23 contribution did Williamson make to the development of
24 the process and the apparatus?

25 A. They provided a, among other things which I'm

1 not sure exactly how far their -- they provided
2 chemicals. They provided a press. They provided, you
3 know, a test bed for the process to be proven on. You
4 couldn't do it without having a multistation press.

5 They -- their expertise in terms of plates
6 and processes and all obviously must have fitted in
7 there somewhere. I can't really define where, but
8 Printing Research didn't, to my recollection, provide
9 the plates or separations or any of those types of
10 things.

11 Q. Sir, if there was no flexographic step involved
12 in the WIMS process, why would there come to be no doubt
13 in your mind that that process originated at WPC? And
14 by "that process" I mean the process you were talking
15 about in Paragraph 9.

16 A. I guess, to use a familiar phrase to somebody
17 skilled in the art, to take a litho metallic step and
18 replace it with a flexo metallic step wasn't exactly
19 something that somebody couldn't have thought about.

20 Q. Could you, sir, point out to me where the flexo
21 metallic -- the litho metallic step is in the '976
22 patent?

23 MR. PINKERTON: Objection. He's already
24 said it's not in there. He previously testified about
25 that.

1 MR. HARRIS: About what?

2 MR. PINKERTON: About a flexo step in the
3 '976 patent.

4 Q. (By Mr. Harris) Where is the litho step in
5 that patent that corresponds to what you just said; that
6 is, corresponds to a flexo step?

7 MR. PINKERTON: Object to the form of the
8 question. He previously testified, I think, that -- we
9 don't have -- we don't have the '976 patent out here.

10 MR. HARRIS: Oh, I can get it, believe me.

11 MR. PINKERTON: Okay. Well, it won't do
12 any good. He's already testified about this subject.
13 Asked and answered. Object to the form of the question.

14 MR. HARRIS: What are you talking about?

15 MR. PINKERTON: He's already been over
16 this with you twice now.

17 MR. HARRIS: Well, he needs to go over it
18 three times then.

19 MR. PINKERTON: Why? It's a waste of our
20 time.

21 MR. HARRIS: Because it's not clear to
22 me --

23 MR. PINKERTON: It's a waste of our time..

24 MR. HARRIS: -- why it is that there will
25 never be a doubt in his mind that the process of using a

1 flexographic step first originated at WPC because of
2 WIMS.

3 A. I just stated that to somebody that understands
4 that process, to take that from a litho metallic to a
5 flexo metallic, I don't think that's -- I don't think
6 that's something that's nonintuitive.

7 Q. (By Mr. Harris) Haven't we agreed that neither
8 one of us understands that process?

9 MR. PINKERTON: Which process, Bill?

10 MR. HARRIS: The WIMS.

11 MR. PINKERTON: Object to form.

12 MR. HARRIS: Neither one of us understands
13 the WIMS process.

14 Q. (By Mr. Harris) I'll put it to you. Do you
15 understand the WIMS process?

16 A. I explained what I understood about it, and I
17 certainly explained also that I have my limitations in
18 terms of the electronic color separations -- well beyond
19 the scope of my understanding. But in terms of what the
20 WIMS process objective is, I understand that.

21 Q. Is there a precise step in the WIMS of
22 depositing the gold or the silver material by a
23 lithographic means?

24 A. I think it's all tied around a lithographic
25 process. Yes.

1 Q. But is there a precise step of doing that?

2 A. Well, they say that the metallic process
3 separation needs to be done first because of the certain
4 chemistry relative to opacities of metallics and then
5 subsequently overprinted with the transparent process
6 ink. So I think that's -- to a lithographer, that is
7 fairly clear, I think.

8 Q. Are you saying, sir, that the same first step
9 in the WIMS process is the same as the flexographic step
10 in the process at issue here?

11 MR. PINKERTON: Objection to the form of
12 the question. Object to leading.

13 A. The -- as I understand it, the necessity to put
14 the metallic down first because of its opacity is a
15 requirement in both processes, be it litho or flexo.
16 That's my understanding.

17 Q. (By Mr. Harris) Is that the similarity, then,
18 you find?

19 MR. PINKERTON: Objection to form.

20 A. I think that's one of the similarities.

21 Q. (By Mr. Harris) Are there some others?

22 A. Well, perhaps there is. I don't -- as I say,
23 I'm not versed in the electronic separation process.
24 There may be some similarities in the way they separate
25 the color out. The certain -- in terms of application,

1 metallic pigments need to be laid down first in either
2 process.

3 Q. Was that known previously in the art, that --

4 A. Yes.

5 Q. -- you had to do that?

6 A. Yes.

7 Q. So WIMS didn't teach that even, did it?

8 A. People have known for generations about
9 opacity -- opaque inks and transparent inks. That's
10 what makes the lithographic process so interesting is
11 that they can do some things with it like that. And
12 metallic inks, be it -- you know, whether they're flexo
13 or litho, they're opaque.

14 You can't -- if you put them down over the
15 top of another color, you mask the other color. So you
16 need to put them down first and put the other colors on
17 top if you're integrating them into that process.
18 That's not a -- I mean, that's very common knowledge.

19 Q. So that part of it, at least, is old in the
20 art?

21 A. I think that that's -- yeah. I think that
22 that's something that's been -- yeah. The understanding
23 of opacity and transparent inks has been around for a
24 long time.

25 Q. Which would give rise to the understanding that

1 you would have to put the gold or the silver down first?

2 MR. PINKERTON: Objection. Leading.

3 Q. (By Mr. Harris) Is that true?

4 MR. PINKERTON: Objection. Leading.

5 A. It's my --

6 Q. (By Mr. Harris) Is that true?

7 A. Within -- within the limits of my
8 understanding, yes.

9 Q. At any time did Williamson, in '64 or '65 --

10 MR. WILSON: '90.

11 Q. -- '64 or '65 -- '94 or '95, at any time did
12 Williamson provide any plans or sketches or descriptions
13 to assist in development of equipment or a process for
14 the Rendleman Coater and the single-pass process?

15 MR. PINKERTON: Objection to the form of
16 the question. Compound question, asked about equipment
17 and processes together. Can't answer it in that way.

18 A. I can't answer that because they're two
19 separate issues. The -- the process and the equipment
20 don't --

21 Q. (By Mr. Harris) Fine.

22 A. Ask them separately and I'll -- I'll be --

23 Q. All right. First let's take the equipment.
24 Did they provide drawings or sketches or any tangible,
25 like that, documentary information to work from on the

1 sketches?

2 A. Not as far as I'm aware regarding the
3 apparatus.

4 Q. Now, you wanted me to break it up, so I'll go
5 to the second part, and let's talk about the process.
6 What did they provide in that connection?

7 A. They provided the plates, the separations, the
8 inks, the -- you know, the essence of what it took to
9 put the ink on paper, so to speak.

10 Q. What do you mean by "separation" in this case?

11 A. If you want to print that picture, you have to
12 take a picture of this through filters, or of course
13 they do it electronically now. They scan it and do it
14 differently. But you have to separate each color out
15 separately.

16 Q. Uh-huh.

17 A. And then you make a printing plate off of each
18 one of those separations.

19 Q. Is that how you make -- are you -- are you
20 discussing every plate or just the flexo plate or --

21 A. All -- all the plates.

22 Q. All the plates?

23 A. All the process plates have to be separated.
24 Each color is separated out independently.

25 Q. And that's within a very good skill of theirs

1 because they do that regularly in printing. Is that not
2 true?

3 A. Yes, sir.

4 Q. And what else did they provide?

5 A. The plates, the printing plates, for both the
6 litho and the flexo process.

7 Q. All right. And those are old in the art?

8 A. Yeah.

9 MR. PINKERTON: Objection. Leading.

10 A. Yeah. They were a fairly standard --

11 Q. (By Mr. Harris) Right.

12 A. -- issue. And, you know, their expertise in
13 printing and inks, pound solutions, the various
14 processes.

15 Q. All right.

16 A. And of course they provided a machine that was
17 about a two or three million dollar machine to mount all
18 this on to --

19 Q. That was the Heidelberg press that they had
20 purchased and been shipped over from Germany, true?

21 A. Yes, sir.

22 Q. How about drawings? Were there drawings?

23 A. Did they provide drawings?

24 Q. Uh-huh.

25 A. I've already stated that I'm not aware of any

1 drawings myself that they provided.

2 Q. How about written descriptions or
3 instructions? Are you aware of any?

4 A. I'm not aware of any written, no.

5 Q. I had asked you before about negotiations of
6 some sort between Williamson and PRI, and I had pretty
7 much directed you to the period in time after the '363
8 patent issue. I'd like to come back now, though, to an
9 earlier period of time. Let us say 1995. Do you recall
10 negotiations in 1995 about this process and equipment
11 that was being worked on that we've testified about
12 today?

13 A. Yes, sir. Some discussions, yes, sir.

14 Q. What were the discussions about, sir?

15 A. General discussions regarding a possibility of
16 a cooperative effort to bring the product to the
17 marketplace, certain conditions on both sides for
18 exclusivity. And these were general discussions. There
19 was never anything finalized about them, but that was --
20 there were some discussions written in those -- in those
21 matters.

22 Q. Can you tell me whether or not Williamson was
23 asking for an exclusivity?

24 A. That was one of the points that was discussed.
25 Yes, sir.

1 Q. Did they indicate why they wanted or felt they
2 wanted an exclusivity?

3 A. I assume that they would have some reason that
4 they wanted an exclusive for a competitive edge, but
5 that was -- whatever their decision is on that is their
6 decision.

7 Q. Do -- did you have an awareness of a
8 nondisclosure agreement that was signed in '94,
9 late '94, or more likely, '95 time frame?

10 MR. PINKERTON: Objection to the form of
11 the question and leading.

12 A. I'm not aware of a nondisclosure agreement
13 personally during that period of time.

14 Q. (By Mr. Harris) You don't recall that
15 Mr. Williamson signed such an agreement?

16 MR. PINKERTON: Objection to form.
17 Objection. Leading.

18 Q. (By Mr. Harris) That was between Williamson
19 and Printing Research.

20 A. I'm not aware of such a document.

21 MR. HARRIS: Off the record just a
22 second.

23 (Discussion off the record)

24 MR. HARRIS: Anybody got anything else? I
25 don't have any other questions.

1 MR. PINKERTON: Give me just a minute to
2 talk to --

3 MR. HARRIS: Take as long as you like.

4 MR. PINKERTON: -- Bill and Bobby.

5 THE VIDEOGRAPHER: We're off the video
6 record at 4:18 p.m.

7 (Recess taken)

8 (Mr. Douglas left deposition proceedings)

9 THE VIDEOGRAPHER: We're back on the video
10 record at 4:27 p.m.

11 MR. PINKERTON: We have no questions -- no
12 further -- or no questions at this time.

13 (Off the record at 4:27 p.m.)

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Issued by the
UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF TEXAS

PRINTING RESEARCH INC. and
 HOWARD W. DEMOORE,

Plaintiffs

SUBPOENA IN A CIVIL CASE

v.
 WILLAMSON PRINTING CORP.,
 BILL L. DAVIS, and JESSE S. WILLIAMSON,
 Defendants

Case Number:¹ 3-99-CV1154-M

TO: Steve M. Garner
 Harris & Bruno, Inc.
 209 Millcreek Drive
 Arlington, Texas 76010

☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

Locke Liddell & Sapp LLP
 2200 Ross Avenue, Suite 2200
 Dallas Texas 75201-6776

DATE AND TIME

August 11, 2000 at 9 a.m.

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below.

LIST DOCUMENTS OR OBJECTS:

See attached "Plaintiff's Amended Notice of Oral Deposition of Steve M. Garner," which describes the documents.

PLACE: Locke Liddell & Sapp LLP
 2200 Ross Avenue, Suite 2200
 Dallas Texas 75201-6776

DATE AND TIME

August 11, 2000 at 9 a.m.

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

Attorney for Plaintiffs

August 2, 2000

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Stephen D. Wilson
 Locke Liddell & Sapp LLP, 2200 Ross Avenue, Suite 2200, Dallas, Texas 75201-6776
 Telephone: (214) 740-8000

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

¹ If action is pending in district other than district of issuance, state district under case number.

Δ π EXHIBIT 1

Deponent Garner

Date 8/11/00 Rptr sg

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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a

party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in who behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

page 1

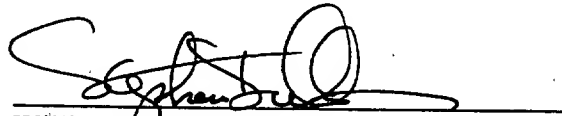
the Reissue Application of Bill L. Davis and Jesse S. Williamson for U.S. Patent 5,630,363. A copy of the "Declaration of Steve M. Garner" is attached as Exhibit A.

(2) All documents in his custody or control concerning the printing process of using a flexographic step prior to offset lithography in an on-line operation, all in one pass. Such documents include, but are not limited to, documents relating to the inventorship of such a process or of the technical or mechanical means of executing such a process.

(3) All documents relating to who invented the invention described in U.S. Patent 5,630,363.

Dated: August 2, 2000

Respectfully submitted,



William D. Harris, Jr.
State Bar No. 09109000
L. Dan Tucker
State Bar No. 20276500
Stephen D. Wilson
State Bar No. 24003187
LOCKE LIDDELL & SAPP LLP
2200 Ross Avenue, Suite 2200
Dallas, Texas 75201-6776

ATTORNEYS FOR PLAINTIFFS

the Reissue Application of Bill L. Davis and Jesse S. Williamson for U.S. Patent 5,630,363. A copy of the "Declaration of Steve M. Garner" is attached as Exhibit A.

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(3) All documents relating to who invented the invention described in U.S. Patent 5,630,363.

Dated: August 2, 2000

Respectfully submitted,



William D. Harris, Jr.
State Bar No. 09109000
L. Dan Tucker
State Bar No. 20276500
Stephen D. Wilson
State Bar No. 24003187
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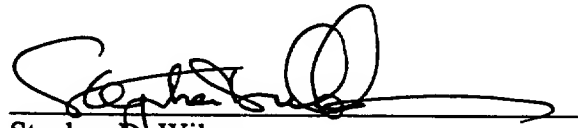
ATTORNEYS FOR PLAINTIFFS

FILED IN 95-10160

CERTIFICATE OF SERVICE

I hereby certify that the foregoing PLAINTIFFS' AMENDED NOTICE OF ORAL DEPOSITION OF STEVE M. GARNER was served on Defendants' counsel by hand delivery on August 2, 2000:

John P. Pinkerton
WORSHAM, FORSYTHE & WOOLDRIDGE, L.L.P.
1601 Bryan, 30th Floor
Dallas, Texas 75201
Telephone: 214-979-3000
Facsimile: 214-880-0011


Stephen D. Wilson
Texas Bar No. 24003187

FILED 08-08-2000

PATENT
Our File: WILL 2501

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Reissue Application of:	§	
BILL L. DAVIS and JESSE S. WILLIAMSON	§	
	§	
For Reissue of U. S. Patent 5,630,363	§	Group Art Unit: 2854
Issued May 20, 1997	§	
Serial No. 08/515,097	§	
	§	
Filing Date: May 20, 1999	§	Examiner: S. Funk
	§	J. Hilten
	§	
Serial No.: 09/315,796	§	
	§	
For:	§	
COMBINED LITHOGRAPHIC/	§	
FLEXOGRAPHIC PRINTING	§	
APPARATUS AND PROCESS	§	

DECLARATION OF STEVE M. GARNER

TO: The Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

SIR:

I, Steve M. Garner, declare on my oath the following:

1. "I am over twenty-one (21) years of age, have never been convicted of a felony, and am competent to make this testimony. I am Regional Sales Manager, South Central Region for Harris and Bruno (Central Office: Roseville, California). I reside at 209 Mill Creek Drive, Arlington, Texas 76010. My curriculum vitae is attached hereto as Exhibit A.

2. "I was employed by Printing Research, Inc. ("PRI") from about April of 1994 through March of 2000. From the time I came to work until January 1997, I was Vice President of Sales for PRI, thereafter President through January 1998, and have held various other positions at PRI from January 1998 until my departure at the end of March, 2000.

3. "During the second half of 1994, during my tenure as Vice President of Sales of PRI, John Bird reported to me as Sales Manager. It became known to me during the summer of 1994 that Williamson Printing Corporation ("WPC") was seeking to purchase a number of IR and UV dryers for its new Heidelberg presses, the first of which was scheduled to arrive in late 1994. WPC's investment in a series of offset lithographic presses represented a double

opportunity to PRI – first to sell dryers and other after-market equipment to WPC, and second, to establish ourselves with Heidelberg Drucksmachinen A.G. and its American subsidiary Heidelberg U.S.A., Inc. as a supplier of drying systems. John Bird brought to PRI some "rack-back" blanket / plate coater technology, and PRI had available for sale as of mid-1994 a linear rack-back coater for end-of-press application.

4. There came a time during the fall of 1994 that John Bird came to me indicating that WPC wanted for us to go with a flexographic rack-back device up front in one or more of the forthcoming Heidelberg presses to be installed at WPC, instead of at the end, as they had always previously been installed. Bird did not tell me who the inventors were of the process – whether they were employees of WPC or PRI employees. At this time, I don't recall being told about the WIMS process of WPC, which issued shortly thereafter on December 6, 1994 as U.S. Pat. 5,370,976 (Jesse Williamson and others at WPC).

5. In October of 1994, PRI ran some tests for Rexham, a packaging converter company in Charlotte, North Carolina. We printed some metallic gold inks for Rexham as samples, some of which were preprinted. These were printed using an anilox roller at the end of PRI's two-color ("2/c") press. We were testing the gold inks for borders for cigarette-carton customers. We later converted their end-of-press tower coater to an anilox coater. I showed some of our solid gold work on cigarette carton stock to Jesse Williamson in October, 1994.

6. PRI started in earnest the design and fabrication of an experimental "ferris wheel" or cantilevered, interstation "long-arm" "rack-back" device in the late fall of 1994. I recall blueprints of the device starting in December of 1994, with Ron Rendleman starting to make parts for the PRI 2/c press in December. At about that time, Bill Davis, of WPC, brought some Cyrel™ (duPont) flexographic plates over to PRI, with a design stating, "Williamson Printing Corporation", wanting tests using our anilox roller end-of-press coater equipped with these Cyrel™ plates so that Bill could ascertain if the plates had satisfactory resolution and he could determine the degree of registration problems he would have with the new process – putting the flexography printing step first. At about this time (December 1994), Rendleman began a "short-arm" modification in anticipation of an installation on WPC coater tower.

7. In January of 1995, I was in Heidelberg, Germany at the Holiday Inn when Bill Davis came up to me, telling me something about some extraordinary results they had achieved at the plant of Heidelberg Drucksmaschinen A.G. demonstrating a flexography step first compared to the older way that they had done it (WIMS), for some Rolex advertisements. I was encouraged by this, but would not know until March 20, 1995 when I saw some tests run at Williamson Printing Corporation how this would perform with PRI anilox coater.

8. In late February 1995, PRI installed our "short-arm" "rack-back" device on one of the coater towers, a new Heidelberg press at WPC. On or about March 20, 1995, I saw some tests run simulating the new process of WPC using the "short-arm" PRI pilot device concerning a middle-age advertisement - involving the Crusader, as I recall - using a flexographic step followed by multiple lithographic steps. Bill Davis and Jim Johnson were in control, giving directions to subordinates concerning the use of flexographic plates, flexographic inks and the negatives.

9. At no time during 1994, 1995, 1996 or 1997 did I ever hear Howard DeMoore, John Bird, Ron Rendleman, or anyone else at PRI ever indicate that the process of using a flexographic step prior to offset lithography was a PRI process or that they invented such a process, or any one of them invented such a process. After becoming aware of the Williamson's WIMS ('976) process, there was never a doubt in my mind that the process of using a flexographic step first originated at WPC. PRI did, however, after DRUPA 95 (starting May 5, 1995), demonstrate to several clients the feasibility of applying a flexographic material as a first down with the idea of overprinting litho in-line. This, of course, could only be demonstrated as multiple passes since PRI had only a 2/c press.

10. In April of 1995, after installation of the experimental pilot "short-arm" device at Williamson, PRI ordered from a local printer - Buchanan Lithographics, as I recall - some brochures concerning a proposed interstation "ferris wheel" or cantilevered "rack-back". Williamson had committed orally to us in February of 1995 to purchase at least one interstation "rack-back" which was currently in design along with the "short-arm", cantilevered device. PRI obtained, as I recall, a firm commitment to go ahead with the construction of the device in May 1995. I recall that as of the DRUPA conference at the start of May 1995, apart from the short-

WPC for a license on the grounds, as I understood at the time, that he had been involved in 1994 through 1995 in the design of the cantilevered "rack-back" device to be used in that process -- in DeMoore's words, he "enabled" them to use the process --, and on that basis, he reasoned he should not have to pay WPC any money.

The undersigned Declarant stated further that all statements made herein of Declarant's own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Steve M. Garner
Steve M. Garner

April 1, 2000
Date:

109757-9545667

STEVE MART GARNER

209 Mill Creek Drive
Arlington, Texas 76010
(817) 265-8375

EDUCATION: UNIVERSITY OF TEXAS AT ARLINGTON

B.S., Mechanical Engineering (Minor: Chemistry)

MILITARY: U.S. COAST GUARD (Enlisted), Honorable Discharge

BUSINESS EXPERIENCE:

1994 - Present PRINTING RESEARCH, INC., Dallas TX

\$12,000,000 company producing custom designed accelerated drying systems, i.e., infrared ultraviolet, forced hot air, for the printing and converting industry. Company's original product was an innovative anti-marking system (Super Blue) still utilized on many sheet fed litho presses

'98 - Pres. Sales Director - OEM Accounts

Promote sale of capital equipment to the commercial sheet fed and flexo corrugated printer manufacturers. Obtain vendor certification for companies' products with major OEM accounts

'97 - '98 President, COO

Assumed President position - duties remained same

'96 - '97 Executive Vice President, Operations

Assumed overall operational responsibilities with the objective of developing the organization infrastructure to support the growing capital product line. This involved physical plant expansion and technical staffing for engineering, manufacturing and R & D. Continued to oversee the company's marketing programs.

'94 - '96 Vice President, Sales & Marketing

Directed the efforts of the domestic (US and Canada) direct sales group consisting of National Sales Manager, Product Manager, and five regional sales personnel during the expansion of the product line to include capital equipment sales. Responsible for coordinating the activities of the international dealer network in the continuing marketing of the original Super Blue product and the introduction of a new generation product improvement to major OEM's. Oversee the advertising and trade show activities.

1990 - 1994 SUN GRAPHIC TECHNOLOGIES, Fort Worth TX

U.S. Subsidiary corporation for a Japanese publishing organization. Established in 1990 with the primary objectives of developing, designing and marketing new technology specifically for the Graphic Art Industry.

Vice President

Responsibilities included directing efforts of 10 engineers and technicians in the development and testing of new products for the improvement of printing quality with decreased environmental impact. Developed marketing programs for the sale and distribution of proven products into the domestic and international marketplace. Three patents issued for temperature control systems for offset printing presses.

1986 - 1990 EPIC PRODUCTS CORPORATION, Dallas TX

\$8,000,000 company involved in the design, manufacture and marketing of custom designed equipment for the printing and converting market.

W001304

Vice President - Sales & Marketing

Duties involved the direct sale of all products in the U.S. as well as overseeing and coordinating activities of international dealers in both Japan and Europe. Clients were printing and publishing companies as well as OEM accounts. Sales revenues increased an average of 20% per year during tenure.

Steve Mark Garner

Page 2

1986

CONSOLIDATED ENGRAVERS CORPORATION, Charlotte NC

\$25,000,000 company serving the converting, packaging and textile industries in the production of engraved cylinders for printing, coating and embossing.

General Manager, Southwest Plant, Lancaster TX

Responsibilities included regional sales activity and plant production. Facility staffed 25 personnel involved in engraving, manufacturing and electroplating of anilox rollers used in the converting industry. Clients included major packaging operations in the corrugated, paperboard, film and foil industries.

1973 - 1985

DAHLGREN INTERNATIONAL, Dallas TX

\$25,000,000 company manufacturing custom designed equipment for printing and paper converting industry.

'84 - '85

General Manager - Europe

Responsible for the parent company's European operations, which included a sales-service office in Brussels, Belgium and a manufacturing subsidiary in Augsburg, West Germany. The markets served by this operation included printing and publishing companies as well as the major OEMs producing equipment for worldwide distribution.

'82 - '84

Vice-President - Product Development

Responsibilities included management of all engineering efforts, i.e., design and development of new products related to the evaluation, design and testing of new products.

'78 - '82

Vice-President - Sales

Responsible for company total sales activities, which included five domestic regional sales managers, OEM sales, converting equipment sales, sales-service offices in Europe and Japan. Participated in the development and implementation of marketing plans for all company products, including budgets, projections, forecasts, dealer training, advertising and trade show participation.

'73 - '78

International Marketing Manager

Coordinated sales and marketing activities for company's European Branch office in Brussels, Belgium. In 1975, assumed full managerial responsibility for office, including P & L, Technical Support Staff, and Sales/Marketing expansion. Set up Dealer/Distribution Program in major European countries. During this time, the European branch grew to produce from less than 10% to over 50% of company's total revenue.

W001305

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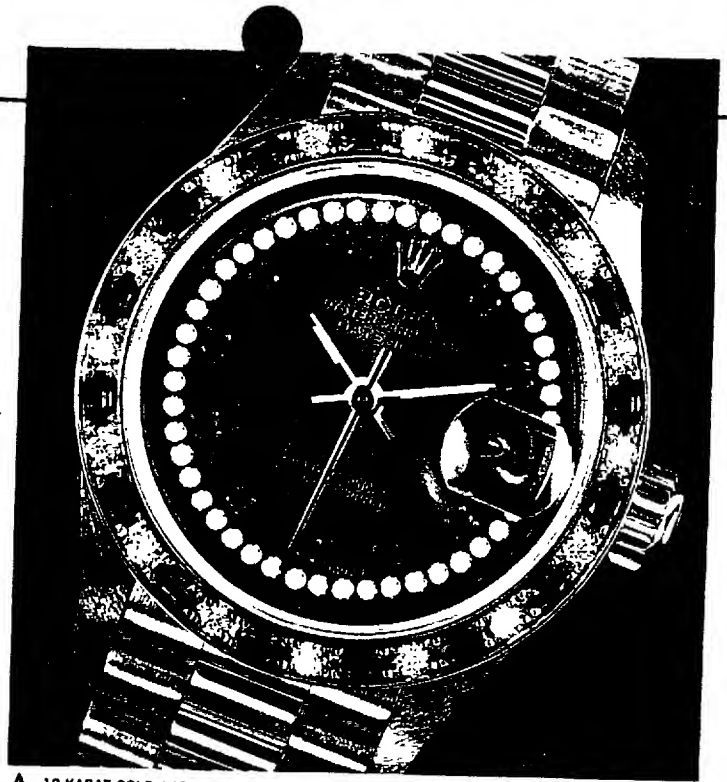
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09313796-051601



18 KARAT GOLD
LADY DATEJUST
WITH PLEIADE
DIAMOND DIAL,
DIAMOND CASE
AND BRACELET.



18 KARAT GOLD LADY DATEJUST, DIAMOND STRING DIAL WITH SAPPHIRE MARKERS
AND SAPPHIRE AND DIAMOND BEZEL. ENLARGED TO SHOW DETAIL.



18 KARAT GOLD DATEJUST.

18 KARAT GOLD DAY-DATE
WITH MOTHER-OF-PEARL JUBILEE
DIAMOND DIAL AND DIAMOND
PRESIDENT BRACELET.



LADIES' 18 KARAT GOLD
OYSTER PERPETUAL



18 KARAT GOLD
LADY DATEJUST WITH
MOTHER-OF-PEARL
JUBILEE DIAMOND DIAL
AND DIAMOND BEZEL.

0935796-051601

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Simply insist upon a Rolex. ♦ Behind the dial that bears the Rolex emblem lies a movement of extraordinary design and craftsmanship. Whether you choose quartz or the famed Perpetual self-winding movement, it will be housed securely in a block of solid 18 karat gold or stainless steel. Giving you a watch that is seemingly impervious to the rigors of modern civilization. One you can depend on for years and years and years.



▶ LADIES' STAINLESS STEEL
AND 18 KARAT GOLD OYSTER
PERPETUAL WITH DIAMOND DIAL.



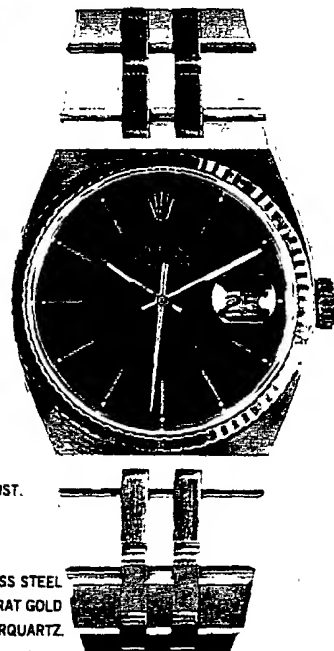
▶ STAINLESS STEEL
AND 18 KARAT GOLD
LADY DATEJUST.



▶ STAINLESS STEEL
AND 18 KARAT GOLD OYSTER
PERPETUAL DATE.



▶ STAINLESS STEEL AND
18 KARAT GOLD DATEJUST.

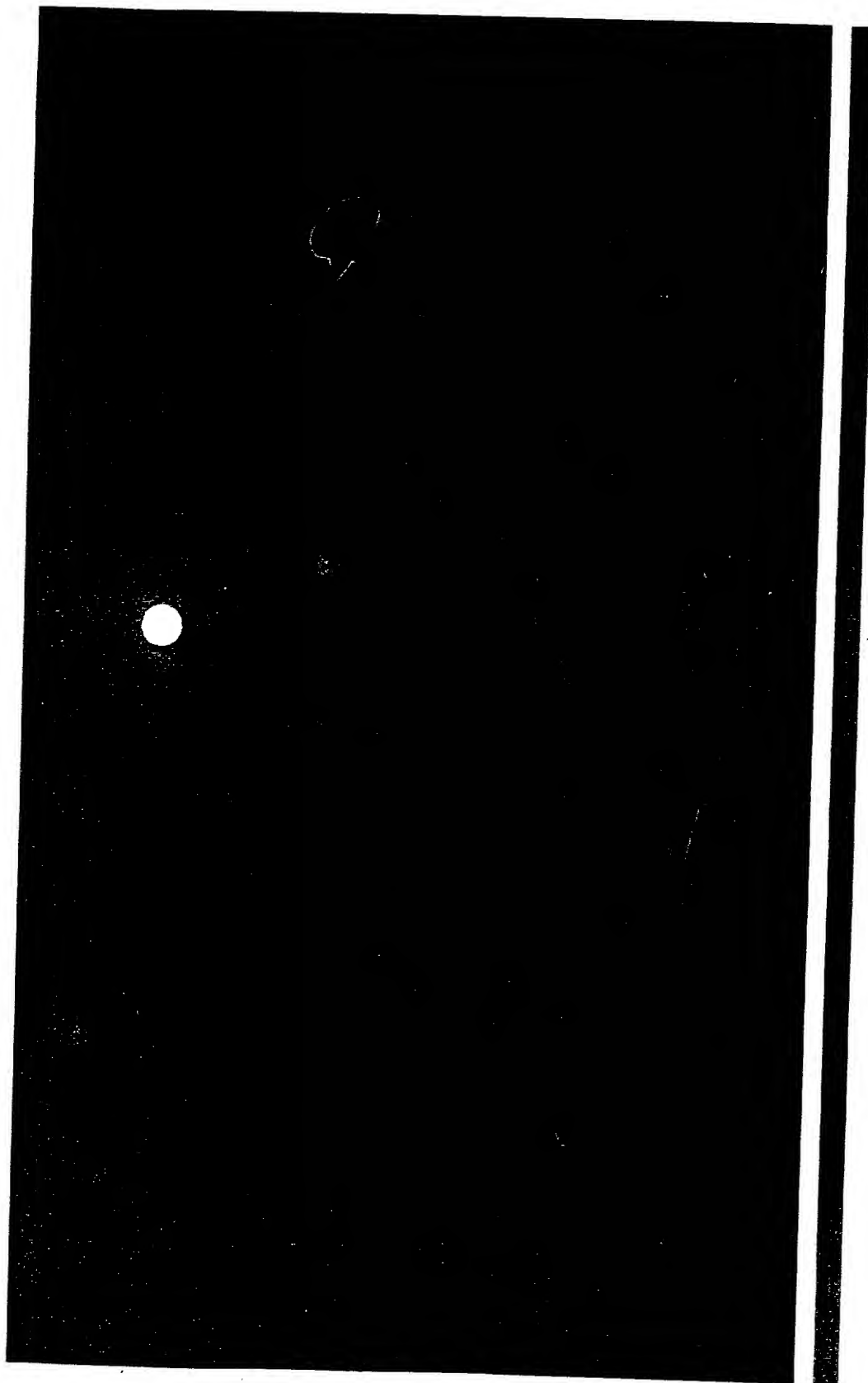


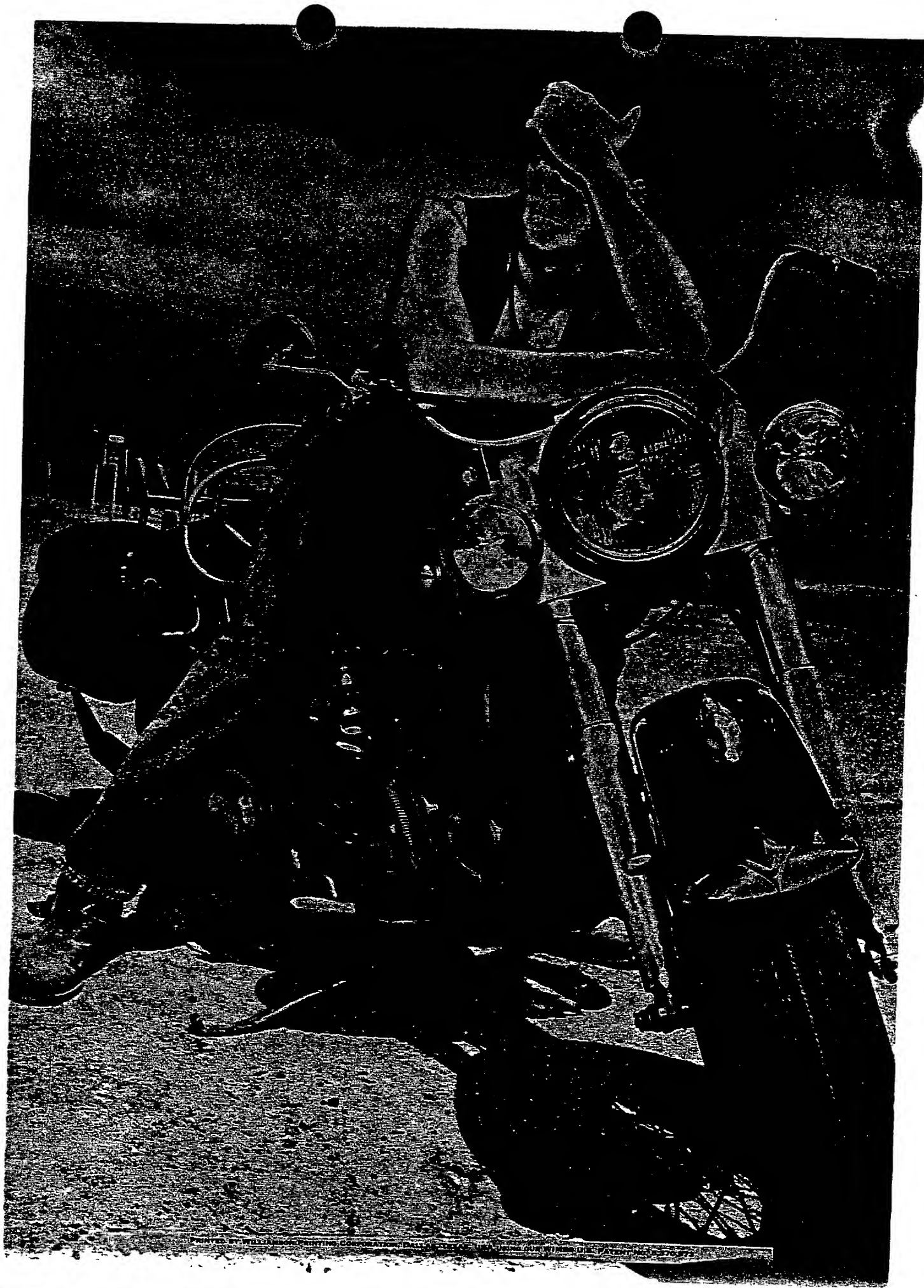
▶ STAINLESS STEEL
AND 18 KARAT GOLD
OYSTERQUARTZ.

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PRINTED BY WILLIAMSON PRINTING CORPORATION, DALLAS, TEXAS. USING OUR WIRE TUBES. ATTENTION 6570-672

THE WIMS® PROCESS

WHAT ARE THE BENEFITS TO THE END USER - WHAT EXTRA DOES IT GIVE YOU/WHAT ARE THE ADVANTAGES?

- ① Realistic reproduction of metallic objects in print.
- ② Artistic applications ranging from life-like to surrealistic, depending on how and where the metallic effects are applied to an image.
- ③ Walk-by appeal. The reflectance of the printed image changes subtly as the viewing angle changes (somewhat akin to holography). This effect can occur when walking by a point-of-purchase display, when viewing a bus-mounted advertisement, when driving past a billboard or the simple act of turning a magazine page.
- ④ Increased attention span. The unique characteristics of metallic ink printing and the range of applications entice the viewer to look more closely at the reproduction, thereby enhancing viewer memory of the advertised product or service.
- ⑤ In the past few years metallic spot colors have become quite popular. These are inks made by mixing given percentages of metallic ink, generally gold or silver and some process or other spot color ink. To use multiple metallic spot colors on a page different inks would have to be formulated and run for each color. With the WIMS® system these colors could be emulated using metallic and process screen tint mixes in the same way spot colors are emulated with process tint combinations today.

HOW IT WORKS (IN RELATION TO THE NORMAL FOUR COLOUR PROCESS).

- ① Up to two additional separations (gold and/or silver) are produced from the original artwork.
- ② The four color separations are adjusted to accommodate the additional ink being printed in the metallic areas.
- ③ Since there are up to five colors to be printed in a given area screen moires are a potential concern. Historically, great effort was taken to mask out the least printing (tertiary) color so that only a maximum of four screened colors remained. This step can obviously be avoided with stochastic screening where screen moire is no longer an issue. We have also had great success using conventional screening at fine-line resolutions (175 line or higher) and duplicating the angle in the metallic sep with one of the traditional 4/c angles (gold at the same angle as magenta, silver at the same angle as cyan).
- ④ Proofing is typically done using DuPont Cromalin. Because of the larger particle size of the Cromalin powder vs the particle size used in offset inks there is a slightly greater sheen in the off-press proof than is achieved on the final printed piece. This is probably more true in areas where gold ink is printing than is silver.
- ⑤ Since silver and gold inks are both inherently opaque they are printed as the first-down colors. The remaining 4-color inks are printing in normal sequence though some adjustment of tack-rating may be required.
- ⑥ Some care must be taken with the metallic inks once they are out of the can to avoid tarnishing and oxidation of the inks.

IS IT APPLICABLE TO TWO AND THREE COLOUR PROCESSES AS WELL? Yes. There are some highly sophisticated B & W photographic printmaking processes utilizing platinum emulsions. These artistic methods are easily and realistically reproducible using black and gold inks in offset lithography. Old Daguerreotypes have an inherent metallic quality reproducible in this process as well.

DOES THE PRINTING PROCESS CHANGE? The key issue here is the in-line drying of the metallic inks so the process colors may be successfully overprinted in a single pass through the press. This can be achieved with good ink trapping and overprint measurements by the use of inter-station dryers, which force warm air over the sheet as it passes between printing units; leaving a vacant unit between the metallic ink printing unit and the first process ink printing unit to allow more drying time and/or manipulating the properties of the ink vehicle itself to achieve improved ink set-up and drying characteristics. Much work in this regard has been accomplished by Wolstenholme.

HOW MUCH EXTRA DOES IT COST? Whether 5 or 6 color (4 color process plus gold and/or silver) there are inherently 25-50% more films, proofing layers, plates and printing units than would be required for straight 4 color process printing. These additional costs can be projected on a fairly linear scale. Other cost factors have traditionally been the need to manually create the additional (gold and/or silver) separations on expensive high-end computer prepress systems and to print these pieces by "dry-trapping" the process colors over the metallics on press (i.e. running the job through the press twice). In the WIMS® system we have accomplished single-pass (wet-trapping) of the metallic and process inks which results in only half the press time previously required. On the front-end (separation) side, the color selective range tools, alpha channel masking and layering capabilities of Adobe Photoshop 3.0 and other highend desktop color software, combined with Applescript and other automation tools should help drive down the costs of creating the additional metallic seps. As seven-color (Hi-Fi) separation software tools come to market there are certainly opportunities to use these tools in the creation of metallic color separations also.

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ACTUAL EXAMPLES OF HOW AND WHERE IT HAS BEEN USED. The WIMS® process has been used on a variety of projects from sale sheets to point-of-purchase displays to annual reports to billboards. Following is a partial listing of those clients who chose WIMS® as the solution to various marketing needs.

Jaguar	James River Corporation
Lexus	Levi's 501 Jeans
Helzberg Diamonds	American Express Optima Card
Rolex Watches	Tecate Beer
Simpson Paper	Prime Sports Radio
Peterbilt Trucks	Potlatch Corporation

WHICH METALLIC INKS ARE USED: GOLD, SILVER, OR COLORED METALLICS? With duotone or tritone images, using colored metallics presents the opportunity to

achieve a panorama of special effects. Keep in mind, however, that colored metallic inks are still opaque. As such, producing screen combinations of two metallic inks should be limited to highlight to midtone areas to avoid the cancellation effect of the last down overprinting metallic color (ex. solid metallic red overprinting solid metallic purple equals only solid metallic red, the purple being hidden totally by the opaque metallic red.) In process printing, colored metallic inks are not required. The process colors themselves serve to create by overprint an enormous range of colored metallic effects. In fact, the cleaner, least contaminated gold and silver inks are preferred. Coloration of the metallic printing area can be added to by the overprinting of process color but cannot be reduced beyond the inherent color of the metallic ink itself. Gold printing ink powders are actually a combination of copper and zinc. Zinc is used to bring the reddish color of copper closer to the desired yellow-gold hue. Typical mixtures range from 10% to 30% zinc, with 20% zinc and 80% copper being the mixture used for WIMS® gold. Silver inks, made of polished aluminum, are inherently very neutral in hue. Beyond color, the critical issue with metallic inks is reflectance. Reflectance is controlled primarily by the size of the metallic particles used in the ink. The larger the particle size, the greater the reflectance or shine of the ink. Different printing processes demand the use of different particle sizes to achieve proper ink feed, transfer and printability. Traditionally, this has ranged from approximately 4 microns for offset printing to 11 microns for flexo. Wolstenholme has developed an offset ink using a 12 micron particle size while maintaining excellent print characteristics.

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WATS 1 800 588 1024
Fax 212 626 6756

PATENT
Our File: WILL 2501

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Reissue Application of:
BILL L. DAVIS and JESSE S. WILLIAMSON §
§
§
For Reissue of U. S. Patent 5,630,363 § Group Art Unit: 2854
Issued May 20, 1997 §
Serial No. 08/515,097 §
§
Filing Date: May 20, 1999 § Examiner: S. Funk
§ J. Hilten
§
Serial No.: 09/315,796 §
§
§
For: **COMBINED LITHOGRAPHIC/** §
FLEXOGRAPHIC PRINTING §
APPARATUS AND PROCESS §

DECLARATION OF STEVE M. GARNER

TO: The Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

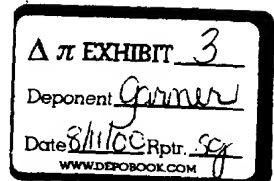
SIR:

I, Steve M. Garner, declare on my oath the following:

1. "I am over twenty-one (21) years of age, have never been convicted of a felony, and am competent to make this testimony. I am Regional Sales Manager, South Central Region for Harris and Bruno (Central Office: Roseville, California). I reside at 209 Mill Creek Drive, Arlington, Texas 76010. My curriculum vitae is attached hereto as Exhibit A.

2. "I was employed by Printing Research, Inc. ("PRI") from about April of 1994 through March of 2000. From the time I came to work until January 1997, I was Vice President of Sales for PRI, thereafter President through January 1998, and have held various other positions at PRI from January 1998 until my departure at the end of March, 2000.

3. "During the second half of 1994, during my tenure as Vice President of Sales of PRI, John Bird reported to me as Sales Manager. It became known to me during the summer of 1994 that Williamson Printing Corporation ("WPC") was seeking to purchase a number of IR and UV dryers for its new Heidelberg presses, the first of which was scheduled to arrive in late 1994. WPC's investment in a series of offset lithographic presses represented a double



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opportunity to PRI - first to sell dryers and other after-market equipment to WPC, and second, to establish ourselves with Heidelberg Drucksmaschinen A.G. and its American subsidiary Heidelberg U.S.A., Inc. as a supplier of drying systems. John Bird brought to PRI some "rack-back" blanket / plate coater technology, and PRI had available for sale as of mid-1994 a linear rack-back coater for end-of-press application.

4. There came a time during the fall of 1994 that John Bird came to me indicating that WPC wanted for us to go with a flexographic rack-back device up front in one or more of the forthcoming Heidelberg presses to be installed at WPC, instead of at the end, as they had always previously been installed. Bird did not tell me who the inventors were of the process - whether they were employees of WPC or PRI employees. At this time, I don't recall being told about the WIMS process of WPC, which issued shortly thereafter on December 6, 1994 as U.S. Pat. 5,370,976 (Jesse Williamson and others at WPC).

5. In October of 1994, PRI ran some tests for Rexham, a packaging converter company in Charlotte, North Carolina. We printed some metallic gold inks for Rexham as samples, some of which were preprinted. These were printed using an anilox roller at the end of PRI's two-color ("2/c") press. We were testing the gold inks for borders for cigarette carton customers. We later converted their end-of-press tower coater to an anilox coater. I showed some of our solid gold work on cigarette carton stock to Jesse Williamson in October, 1994.

6. PRI started in earnest the design and fabrication of an experimental "ferris wheel" or cantilevered, interstation "long-arm" "rack-back" device in the late fall of 1994. I recall blueprints of the device starting in December of 1994, with Ron Rendleman starting to make parts for the PRI 2/c press in December. At about that time, Bill Davis, of WPC, brought some Cyrel™ (duPont) flexographic plates over to PRI, with a design stating, "Williamson Printing Corporation", wanting tests using our anilox roller end-of-press coater equipped with these Cyrel™ plates so that Bill could ascertain if the plates had satisfactory resolution and he could determine the degree of registration problems he would have with the new process - putting the flexography printing step first. At about this time (December 1994), Rendleman began a "short-arm" modification in anticipation of an installation on WPC coater tower.

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7. In January of 1995, I was in Heidelberg, Germany at the Holiday Inn when Bill Davis came up to me, telling me something about some extraordinary results they had achieved at the plant of Heidelberg Drucksmaschinen A.G. demonstrating a flexography step first compared to the older way that they had done it (WIMS), for some Rolex advertisements. I was encouraged by this, but would not know until March 20, 1995 when I saw some tests run at Williamson Printing Corporation how this would perform with PRI anilox coater.

8. In late February 1995, PRI installed our "short-arm" "rack-back" device on one of the coater towers, a new Heidelberg press at WPC. On or about March 20, 1995, I saw some tests run simulating the new process of WPC using the "short-arm" PRI pilot device concerning a middle-age advertisement - involving the Crusader, as I recall - using a flexographic step followed by multiple lithographic steps. Bill Davis and Jim Johnson were in control, giving directions to subordinates concerning the use of flexographic plates, flexographic inks and the negatives.

9. At no time during 1994, 1995, 1996 or 1997 did I ever hear Howard DeMoore, John Bird, Ron Rendleman, or anyone else at PRI ever indicate that the process of using a flexographic step prior to offset lithography was a PRI process or that they invented such a process, or any one of them invented such a process. After becoming aware of the Williamson's WIMS ('976) process, there was never a doubt in my mind that the process of using a flexographic step first originated at WPC. PRI did, however, after DRUPA 95 (starting May 5, 1995), demonstrate to several clients the feasibility of applying a flexographic material as a first down with the idea of overprinting litho in-line. This, of course, could only be demonstrated as multiple passes since PRI had only a 2/c press.

10. In April of 1995, after installation of the experimental pilot "short-arm" device at Williamson, PRI ordered from a local printer - Buchanan Lithographics, as I recall - some brochures concerning a proposed interstation "ferris wheel" or cantilevered "rack-back". Williamson had committed orally to us in February of 1995 to purchase at least one interstation "rack-back" which was currently in design along with the "short-arm", cantilevered device. PRI obtained, as I recall, a firm commitment to go ahead with the construction of the device in May 1995. I recall that as of the DRUPA conference at the start of May 1995, apart from the short-

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arm device made for WPC, all we had was our brochures, a few parts made by Rendleman for the "long-arm" device for the forthcoming PRI interstation press to be installed at WPC and some blueprints. By late August 1995, we had something ready to sell to Williamson in the form of an interstation unit. The normal gestation time to make such a device would be 90-110 days. I do not recall seeing anything in writing or otherwise at PRI concerning the "long-arm" proposed interstation device prior to December 1994. -- no invention records, no memoranda, no notebooks, no emails, no designs, no blueprints, no advertisements and no parts. Again, prior to DRUPA 95 (May 5, 1995), all we had was Williamson's commitment to go forward with the interstation design and the "short-arm", end-of-press device installed at WPC. To the best of my knowledge, the first time the process taught by Davis-Williamson (U.S. Pat. 5,630,363) was ever actually reduced to practice in this country was performed by Williamson Printing Corporation at their facility in Dallas shortly after the installation of our first "long-arm" device in late August or early September, 1995. Prior to that time, the process had only, to the best of my knowledge, been simulated (multiple passes with the flexography step first) by Williamson Printing Corporation in this country in March 1995 (the Brian Lester "Crusaders" poster) and perhaps in Germany in January 1995, but not by PRI because of the limitations of our 2/c press unit.

11. The Buchanan printed brochures in late April 1995 for DRUPA were very memorable. They were not printed using a flexography step first. They were printed to be available for distribution at the DRUPA Show in Germany scheduled to start May 5, 1995. PRI filed its patent application directed to a ferris wheel/cantilevered device on May 4, 1995, to protect the company's patent rights. At the DRUPA Show in Germany, I recall we had a non-working model of the proposed "ferris wheel" or cantilevered, "long-armed" device on the first unit of a mock-up 2/c press.

12. During late 1998, I became involved with a potential sale of a cantilevered "long-armed" device to Hallmark Company. Hallmark knew about the WIMS patent, U.S. Pat. 5,370,976. Hallmark's attorneys found U.S. Pat. 5,630,363 to Davis and Williamson and brought it to PRI's attention. I am not aware of any attempt on the part of Hallmark or PRI to approach Williamson to purchase a license to the '363 patent for Hallmark to use the '363 process. Howard DeMoore, who owns PRI and is in control of PRI, made a decision not to pay

1. The first part of the report discusses the importance of the study and the objectives of the research.

2. The second part of the report describes the methodology used in the study, including the data collection and analysis techniques.

3. The third part of the report presents the results of the study, including the findings and conclusions.

4. The fourth part of the report discusses the implications of the study and the recommendations for future research.

5. The fifth part of the report provides a summary of the study and the conclusions.

Steve M. Garner
Steve M. Garner
April 6, 2000
Date:

STEVE MART GARNER

209 Mill Creek Drive
Arlington, Texas 76010
(817) 265-8375

EDUCATION: UNIVERSITY OF TEXAS AT ARLINGTON
B.S., Mechanical Engineering (Minor: Chemistry)

MILITARY: U.S. COAST GUARD (Enlisted). Honorable Discharge

BUSINESS EXPERIENCE:

1994 - Present PRINTING RESEARCH, INC., Dallas TX

\$12,000,000 company producing custom designed accelerated drying systems, i.e., infrared ultraviolet, forced hot air, for the printing and converting industry. Company's original product was an innovative anti-marking system (Super Blue) still utilized on many sheet fed litho presses

'98 - Pres. Sales Director - OEM Accounts

Promote sale of capital equipment to the commercial sheet fed and flexo corrugated printer manufacturers. Obtain vendor certification for companies' products with major OEM accounts

'97 - '98 President, COO

Assumed President position - duties remained same

'96 - '97 Executive Vice President, Operations

Assumed overall operational responsibilities with the objective of developing the organization infrastructure to support the growing capital product line. This involved physical plant expansion and technical staffing for engineering, manufacturing and R & D. Continued to oversee the company's marketing programs

'94 - '96 Vice President, Sales & Marketing

Directed the efforts of the domestic (US and Canada) direct sales group consisting of National Sales Manager, Product Manager, and five regional sales personnel during the expansion of the product line to include capital equipment sales. Responsible for coordinating the activities of the international dealer network in the continuing marketing of the original Super Blue product and the introduction of a new generation product improvement to major OEM's. Oversee the advertising and trade show activities.

1990 - 1994 SUN GRAPHIC TECHNOLOGIES, Fort Worth TX

U.S. Subsidiary corporation for a Japanese publishing organization. Established in 1990 with the primary objectives of developing, designing and marketing new technology specifically for the Graphic Art Industry.

Vice President

Responsibilities included directing efforts of 10 engineers and technicians in the development and testing of new products for the improvement of printing quality with decreased environmental impact. Developed marketing programs for the sale and distribution of proven products into the domestic and international marketplace. Three patents issued for temperature control systems for offset printing presses.

1986 - 1990 EPIC PRODUCTS CORPORATION, Dallas TX

\$8,000,000 company involved in the design, manufacture and marketing of custom designed equipment for the printing and converting market.

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Vice President - Sales & Marketing

Duties involved the direct sale of all products in the U.S. as well as overseeing and coordinating activities of international dealers in both Japan and Europe. Clients were printing and publishing companies as well as OEM accounts. Sales revenues increased an average of 20% per year during tenure.

Steve Mark Garner

Page 2

1986

CONSOLIDATED ENGRAVERS CORPORATION, Charlotte NC

\$25,000,000 company serving the converting, packaging and textile industries in the production of engraved cylinders for printing, coating and embossing.

General Manager, Southwest Plant, Lancaster TX

Responsibilities included regional sales activity and plant production. Facility staffed 25 personnel involved in engraving, manufacturing and electroplating of anilox rollers used in the converting industry. Clients included major packaging operations in the corrugated, paperboard, film and foil industries.

1973 - 1985

DAHLGREN INTERNATIONAL, Dallas TX

\$25,000,000 company manufacturing custom designed equipment for printing and paper converting industry.

'84 - '85

General Manager - Europe

Responsible for the parent company's European operations, which included a sales-service office in Brussels, Belgium and a manufacturing subsidiary in Augsburg, West Germany. The markets served by this operation included printing and publishing companies as well as the major OEMs producing equipment for worldwide distribution.

'82 - '84

Vice-President - Product Development

Responsibilities included management of all engineering groups, i.e. design engineering, manufacturing engineering, etc. related to the evaluation, design and testing of new products.

'78 - '82

Vice-President - Sales

Responsible for company total sales activities, which included five domestic regional sales managers, OEM sales, converting equipment sales, sales-service offices in Europe and Japan. Participated in the development and implementation of marketing plans for all company products, including budgets, projections, forecasts, dealer training, advertising and trade show participation.

'73 - '78

International Marketing Manager

Coordinated sales and marketing activities for company's European Branch office in Brussels, Belgium. In 1975, assumed full managerial responsibility for office, including P & L, Technical Support Staff, and Sales/Marketing expansion. Set up Dealer/Distribution Program in major European countries. During this time, the European branch grew to produce from less than 10% to over 50% of company's total revenue.

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